HISTORY OF VERMONT

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Walter H. Crockett

WALTER HILL CROCKETT

Born in Colchester, Vt., June 26, 1870. He was educated in the public schools of Colchester and Milton and at Mount Hermon School, Mount Hermon, Mass. He was assistant night editor of the *Burlington Free Press,* 1895-1901; telegraph editor of the *St. Albans Messenger,* 1901-1909; managing editor of the *Montpelier Journal,* 1909-1912. Since 1913 he has been Director of the State Publicity Bureau, a department in the Secretary of State's office, giving his entire time to the work until 1915, when he removed to Burlington to become editor of the University of Vermont publications, giving part of his time to the State Publicity work. He is also a lecturer in journalism in the University. Mr. Crockett has written numerous books and pamphlets for the State, historical articles for magazines and is author of "A History of Lake Champlain," "Vermont, Its Resources and Opportunities," "George Franklin Edmunds" and "Vermont, the Green Mountain State," this volume being the fifth of the series. He was a member of the Lake Champlain Tercentenary Commission; Official Reporter of the House of Representatives, 1913 and 1915; Presidential Elector, 1912; Alderman of the City of Burlington since 1921. He has been secretary of the Vermont Society, Sons of the American Revolution, since 1903. In 1902 he married Kate M. Chamberlain of Swanton, Vt. Their children are Arthur C. (deceased), Eleanor A., Charles N. and Elizabeth.

VERMONT

The Green Mountain State

BY

WALTER HILL CROCKETT

AUTHOR OF

VERMONT—ITS RESOURCES AND OPPORTUNITIES
HISTORY OF LAKE CHAMPLAIN
GEORGE FRANKLIN EDMUNDS

VOLUME FIVE

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Judges, Supreme Court

THE VERMONT BENCH AND BAR

BY

FRANK L. FISH, SUPERIOR JUDGE

DEDICATED TO THE

SUPREME COURT OF VERMONT

INTRODUCTION

THE Vermont lawyer has been a potent factor in our history. It is true in the beginning that he did not share in the affairs of the State, but that was for the very pertinent reason that he was not here to take part. A few lawyers of the crown were here in the colonial days and soon after, but these men were not to be trusted by the fathers in the founding and building of a commonwealth. So it came to pass that the early officers of the State, including the Judges, belonged to other callings than the law. Nathaniel Chipman was the first Vermont lawyer to be called to the bench and he is fourteenth in the list of the Judges, beginning with the first court established in 1778 and counting forward. It was many years afterward that the Supreme Court was made up wholly of members of the bar. Jonas Galusha was the last layman to be called to the bench. His employment was that of an inn-keeper and farmer. He was the twenty-eighth Judge to be elected and served from 1807 to 1809. As soon as the Vermont courts were organized young lawyers came to the State from Massachusetts and Connecticut and in a few years there was a bar from which men of talent and integrity could be selected for the high offices. These men soon found their way into public favor and were called to the discharge of public duty. Some were sent to the United States Senate, some to Congress; others became Governors and the courts were gradually changed in personnel from laymen to lawyers. In the final analysis it appears that the lawyer has had his full share of public honors. The history of the State from the beginning shows that of the twenty-eight Senators who have represented us at Washington twenty-three have been lawyers; of the fifty-seven Governors, thirty-one have been lawyers; and of the eighty-nine Congressmen, fifty-three have been lawyers. If a tabulation of the lesser offices were to be made, such as Secretary of State and Auditor of Accounts, it would be found also that these offices have been held by members of the bar during the greater part of our history.

When I told Mr. Crockett in 1913 that I would write a history of the bench and bar of the State for his "Vermont—the Green Mountain State," I had very little comprehension of the amount of labor that it would involve. I tried from all the New England States to obtain works of a corresponding nature, but did not get anything that seemed just suited to the work I had undertaken. In this situation I adopted the plan of giving an outline of the early and later State courts, biographical sketches of the Vermont Federal Judges, and the Judges of the Supreme and other State courts, and a brief historical review of the organization of each county and a sketch of such lawyers of the county as I deemed worthy of mention in a work of this

kind. The present members of the bar in brief outline are grouped with their county history.

I have tried to preserve the big men of the bar in these sketches, but my selection may not accord with the judgment of others who are better qualified to speak or who have had better opportunities to know the men and their professional work. I may have overdrawn some of these men. Others I may have underestimated. It has not always been easy to get material and when at hand it has not always given the light needed for a discriminate judgment. If it shall be found that in most cases my judgment is in accord with those who are best qualified to know and speak of the men whom I have portrayed, I shall be content.

All the present members of the bar are sketched briefly. A few are given special mention. This is a task that is not without embarrassment. Some who are not drawn except in outline will think that they should have had full notice, and there will be those who will say that some who have been given full sketches should not have been so honored. Here again I have used my best judgment and I await the opinion of the bar as to whether I am out of harmony with the truth.

Twice I have sketched the Judges from the organization of the State, once briefly by giving the general outline of the life of each, and once fully as appears herein. I was not satisfied with the first draft. I have drawn from all sources of information that were readily available and have endeavored to give a sympathetic sketch of each Judge. I am still living with the great and good men who have adorned the bench of our State for the past one hundred and forty years and more. Many of the Judges were among the greatest men in our history and many honored other offices than that of Judge. Some made the name of Vermont great in the national Capitol, others as Governors of the State; and these men assisted in establishing and building up our system of jurisprudence. I have sketched as fully as space would permit the deceased Judges and such others as have retired from the bench and are now living, but have drawn only in outline the present Justices of the Supreme Court and Superior Judges. There is enough that I would like to say in praise of all the Judges, but I stand too close to them to undertake the task. I do not need to add that it would be a delicate one, nor to say that it would not be very useful. A life to be well presented should be viewed in retrospect.

Speaking of the Courts as organizations, I can say, I think with the unanimous approval of the bar, that the Supreme Court is made up of able, conscientious and high-minded men who strive to administer the law in justice, who can be trusted with the important interests that are committed to their hands, and relied on to deal fairly, wisely

and justly with all questions that are submitted to them; and that Superior Judges are dispatching their work in the County Courts with minds single only to justice.

A final word in acknowledgment of the help I have received from others: I have used without many changes the excellent article by Judge Wheeler on the Early Courts of Vermont, which was published in the proceedings of the Vermont Bar Association. He was a considerable historian and I like the way he states things and I depend on him for the truth. Then I have drawn heavily from Judge Taft's articles in the Green Bag, and have obtained much useful data from "Men of Vermont" and "Deming's Vermont Officers and Gazetter." I wish to acknowledge, too, my indebtedness to my late lamented friend, Justice Haselton, for his help in going over my manuscript and advising me about the sketches, and to my good friend, Judge Waterman, for his advice, information and assistance, and to Hale K. Darling, for his valuable help in proof reading.

When the work was undertaken it was understood that it would not include more than 60,000 words, but at a later time this space was enlarged, and it was found when my manuscript was submitted to Mr. Crockett that it contained more than 220,000 words. I cut this down to 70,000 words, which was the maximum amount of material that the publishers desired to use in the history. The Bar Association then took up the matter and through a committee consisting of Mr. Sargent, Judge Dutton and Judge Healy arranged with the publishers for the publication of my whole work by becoming responsible for the expense of all in excess of 70,000 words.

The work has been a labor of love on my part. I have performed it without detracting from my judicial duties, I am sure, and I look upon it as a part of my public trust. I hope it may be received with favor by the profession and the public, and I trust that I may have been the means in it of preserving the names and records of many of the great men of the law who would not otherwise have been remembered, and that the example of their lives may be an incentive to others who are looking, or may look, to the noble profession of the law for the employment of high talents and the accomplishment of distinguished service.

Dated at Vergennes, the 22nd day of February, 1922.

FRANK L. FISH.

THE STATE COURTS

THE British constitution provides that the King is the original proprietor of all the lands in his kingdom and that no man doth or can possess any part of them but such as have been mediately or immediately derived as a gift from him.

As this principle extends to lands acquired by conquest, it applied to the territory which is now Vermont when it was a part of the British possessions. By virtue of this doctrine King Charles the Second, June 29, 1674, granted to his brother, the Duke of York, "All that part of the main land of New England, beginning at a certain place called and known by the name of St. Croix, next adjoining to New Scotland in America and from thence extending along the sea coast unto a certaine place called Petuaquine or Pemaquid and so up the river thereof to the furthest head of the same as it windeth northward and extending from the river of Kinebeque and so upwards by the shortest course to the river Canada northwards. And all that Island or Islands commonly called by the severall name or names of Matowacks or Long Islands scituate and being towards the west of Cape Cod and the narrow Higansetts abutting upon the main land between the two rivers there called or known by the severall names of Connecticutt and Hudson's River together also with the said river called Hudson's River and all the lands from the west side of Connecticutt river to the east side of Delaware Bay. To bee holden of us our heirs and successors as of our Manor of East Greenwich in the county of Kent in free and common socage."

When the Duke of York ascended the throne as King James II in 1685, his private title became merged in the rights of the crown. In the commission from the King to Governor Benning Wentworth of New Hampshire, dated July 3, 1741, the southern boundary of New Hampshire was described as the north line of Massachusetts Bay, "extending westward till it meets with our other Governments." The colonial government of New York claimed jurisdiction and title under the grant to the Duke of York, and that it included by the words "from the west side of Connecticut river," the territory now Vermont. The Governor of New Hampshire claimed that the north line of Massachusetts did not meet "our other governments" till it reached its western extremity, and that his territory extended as far west as Massachusetts, and included the same territory that is now Vermont. The Governor of New Hampshire proceeded to grant the land by townships, commencing with Bennington in the southwest corner. Settlements were begun in the towns in that vicinity and he appointed Samuel Robinson of Bennington a Justice of the Peace of New Hampshire in that territory. These settlements attracted the attention of New York which protested against the grants. Both sides insisted upon having jurisdiction and an appeal was taken to

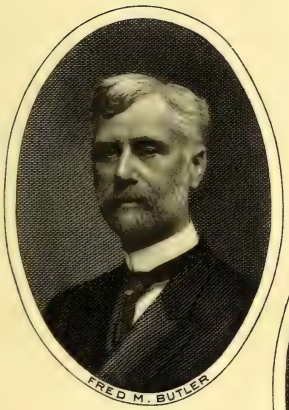
Judges, Superior Court, 1915

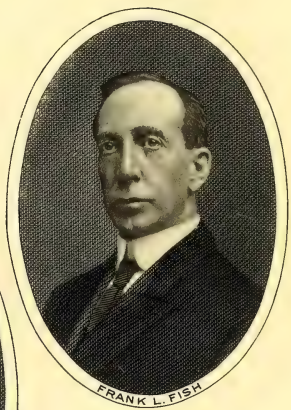
the King in Council, who declared on the 20th day of July, 1764, "the western banks of the river Connecticut from where it enters the Province of Massachusetts Bay as far north as the 45th degree of north latitude to be the boundary line between the said two Provinces of New Hampshire and New York." New Hampshire thereupon withdrew from any further exercise of jurisdiction, but claimed that its grants were good to pass the title to the land. New York claimed that the grants of New Hampshire were wholly void, and that the right to re-grant the land remained. This question was submitted to the King in Council and he forbade re-grants of the land, and directed that the inhabitants "be not molested on account of territorial differences or disputed jurisdiction for whatever Province the settlers may be found to belong to should make no difference in their property."

The few inhabitants were scattered along the Connecticut River, the Walloomsac and the Battenkill. The territory was within the county of Albany, the courts of which were at the city of Albany, whither all litigants had to go for legal redress.

In the same year, 1764, Charles Phelps, a lawyer of learning and ability, came from Hadley, Mass., to Marlboro in this State and brought with him his law library. He had three sons, one of whom was a lawyer and remained at Hadley, and the others, Solomon and Timothy, came to Marlboro with him. Solomon was then twenty-one years of age and was educated in the law. In 1765 the inhabitants on the east side of the mountain petitioned the government of New York for a county, representing that it was now six months since they became inhabitants of the province and that they had "ever since been without law." The petition was denied, but January 20, 1766, twenty-one Justices of the Peace, five of whom were of the quorum, were appointed and commissioned for his part of Albany county. These Justices met on February 27, at Rockingham, and appointed Constables for Westminster, Chester, Springfield, Windsor and Newbury. On March 31, 1766, Solomon Phelps was licensed by Henry Moore, Governor of New York, to practice as an attorney, as his commission ran: "in all His Majesties Courts of Record within the county of Cumberland." This did not, however, entitle him to practice in any court without admission for that purpose by the court. On July 3, the colonial legislature of New York passed an act to erect that part between Connecticut River and the Green Mountains into a county by the name of Cumberland, except that land held July 20, 1764, by grant from New Hampshire was to remain in Albany county. This act was disapproved and declared void by the home government. On April 7, 1768, that territory was fully incorporated into a county by the name of Cumberland, with all the rights belonging to counties, with a shire at Chester, then called New Flamstead.

Each county was entitled to a Court of Common Pleas with jurisdiction of "all matters and things and causes tryable at the common law," and a Court of General Sessions of the Peace holden by two or more Justices of the Peace, one of whom should be of the quorum, with jurisdiction of all offenses of which Justices of the Peace might lawfully inquire. Thomas Chandler of Chester, a large land owner, under grants from New York was largely interested and instrumental in procuring the establishment of the county and in the location of the shire at Chester. He was the most prominent man in the neighborhood, and had great influence with the New York authorities. He was a man of good ability and it was natural that he should be appointed Chief Judge of the Court of Common Pleas. Joseph Lord of Putney, a man of great purity of character, and Samuel Wells of Brattleboro, an upright man, were appointed Judges. Thomas Chandler, Jr., a son of the Chief Judge, Samuel Stevens of Springfield, Nathan Stone of Windsor and William Willard of Newbury were appointed Assistant Judges. John Chandler, another son of the Chief Judge, was made Clerk of these courts. In that year another attorney came, John Grout, who first located at Windsor and later removed to Chester. A rude court house was erected there and sessions of the court held; but while some business was done, the proceedings were irregular, and no formal record of them was kept. Grout and Charles Phelps were the only attorneys practicing there, and the business was mostly instituted by Grout and conducted by him so far as one lawyer could do it. The law business was deemed to be unduly burdensome and oppressive to the people. At the June term, 1770, some of the inhabitants of Windsor appeared in court, declared that the court was ruled by Grout, and asked that he be forbidden to practice as an attorney, because, as they said, he was a bad man. The court answered that a contrary opinion was entertained of him but that if there was anything to be alleged against him it could be laid before the grand jury and the clerk would assist in drawing up a bill if found. The complaints were so turbulent that the court adjourned. Grout was taken by force and carried to Charlestown, N. H., and later to Windsor, where he was detained for several days, and an effort made to make him agree not to practice law any longer in the county. He escaped without making the promise and commenced a suit against his accusers for heavy damages, but did not prosecute it beyond the original process. It is apparent that he stood well with the court, for in a letter to Governor Tryon, dated January 29, 1772, Judge Lord wrote of him: "I have to crave your Excellency's Patience & Leave to recommend to your Excellency's Favour Mr. John Grout attorney at Law who hath suffered much by persons Enemical to this Government & to him on account of his firm attachment to it & Endeavors to maintain good Order & Justice therein. Truth itself





SUPERIOR JUDGES OF VERMONT

A.D. 1914

Obliges me to say that his Practice as an attorney in this County has always entitled him to the good opinion of the Court & the best Gentlemen in the County as I apprehend, altho. Riotous persons & parties Friends to New Hampshire & enemies to good order have given him much trouble which he has born with great magnimity and Strove in a Legal and Dispassionate way to overcome. Your Excellency being perfectly Humane will Delight in Protecting him."

By a New York ordinance, passed March 16, 1770, the territory north of Cumberland county was made a county by the name of Gloucester; Kingsland, now Washington in the county of Orange, was made the shire town, and provision was made for a Court of Common Pleas and General Sessions of the Peace. The first meeting of this court was held May 29, 1770, with John Taplin, Samuel Sleeper and Thomes Sumner as Judges appointed by the Government of New York, and James Pennock, Adner Fowler and John Peters as Justices of the Quorum, and John Taplin, Jr., as Sheriff. This court adjourned without transacting any business, to the last Tuesday of the following August, when it again met at Kingsland and appointed four Constables, then adjourned to the last Tuesday in November, when it again opened. The docket of eight cases was called; they were continued or dismissed; four surveyors of the county were appointed and a Constable for Thetford; and an adjournment was taken to the last Tuesday of the following January. The January session was attended by John Taplin, Judge, John Peters of the Quorum, and John Taplin, Jr., Sheriff. These officers of the court set out from Moretown, February 25, 1771, and traveled until night. The snow was deep and there were no roads. They made the journey on snow shoes. On the following day they advanced further, but before they arrived at any human habitation, if indeed one could have been found, which is doubtful, they held a council and decided to open court in the woods without knowing whether they were in Kingsland or not. All cases on the docket were continued until the next term. Court then took an adjournment until the last Tuesday in May. The adjourned session was duly opened and after the disposition of one case was adjourned until the following August. The records of this court are in the County Clerk's office at Chelsea and the reader must understand that Moretown is now Bradford and not the town which at present bears that name.

In 1772 the shire of Gloucester county was changed to Newbury, and some business was transacted, but not in a very orderly manner. John Lawrence became clerk in 1774 in place of John Peters, and was commissioned an attorney at law January 20, 1775. In the letter of Judge Lord, quoted in part heretofore, he stated his age and infirmities to Governor Tryon, which, he continued, disqualified him "for the full, free and perfect discharge of the offices of second judge

of the Inferior court of Common Pleas and Justices of the Peace which I have sustained in the county for several years last past, and having a desire to retire from public business and spend the remainder of my days in a calm retirement therefrom, and concern myself in nothing else but doing good to my numerous family and neighbors and praying for the KING, your Excellency, and all others, the King's officers, and prepare for a glorious IMMORTALITY, therefore humbly entreat your Excellency to appoint some other person to said offices in my room and stead." His entreaty was not granted but a fourth Judge was appointed and his commission was continued with the understanding that he should take "as little share of the burden of the office upon himself" as should be agreeable to him. The additional Judge was Noah Sabin of Putney.

In 1771, Crean Brush, a lawyer from New York City, came to Westminster. He came originally from Ireland to New York in 1762, and soon obtained employment in the secretary's office and became assistant to Secretary Goldsbrow Banyar. On January 27, 1764, he was licensed by Lieut. Gov. Cadwallader Colden to practice as an attorney at law "in all his Majesty's Courts of Record" within the province of New York. He affected great display in his dress, which was of a military character, made parade wherever he was, and his arrival at Westminster attracted much attention. He was a great favorite for a time, was feasted from house to house and maintained great influence on account of his official connections and opportunities. John Chandler was removed from the office of clerk of the county, and February 25, 1772, Brush was appointed in his place. Brush was a man of ability and from that time forward the records show regularity in the proceedings of the courts. The shire was changed from Chester to Westminster. His record commences with the last session at Chester, held June 2, 1772, and recites that court opened and adjourned to the Meeting House in the township of Westminster until the second Tuesday of June instant. At the session held at Chester there were present Thomas Chandler, Esquire, and Noah Sabin, Esquire, Judges, and William Willard and Benjamin Butterfield, Esquires, Assistant Judges. At the session held at Westminster, pursuant to the adjournment at Chester, there were present Thomas Chandler, Samuel Wells and Noah Sabin, Esquires, Judges, William Willard, Stephen Greenleaf and Benjamin Butterfield, Esquires, Assistant Justices, and Bildad Andros, Israel Curtis, Jadack Wright, Samuel Nichols, William Williams, John Bridgman, David Joy, John Bolton, and John Winchester Dana, Esquires, Justices.

His Majesty's commissions appointing the Judges, Assistant Justices, and Justices of the Peace, and Clerk, were read and the Sheriff was called upon for returns, and he returned a panel of grand jurors which was called, sworn and charged. Licenses for retailing

spirituous liquors and keeping tavern were granted from day to day.

The court records at this term show that John Grout was admitted to practice as an attorney of the court, "he having formerly taken the oath to well and truly demean himself in the practice of an attorney according to the best of his skill and understanding."

The grand jury found a true bill against John White for defacing a deed and were discharged. One cause was tried by jury, Grout representing the plaintiff and "Strong, by consent of the court," the defendant.

At this session of the court, upon motion of Crean Brush, it appearing that no entry had been made of any rules, orders or proceedings in any action which had been commenced in that court, it was ordered that all actions which had been begun should be commenced *de novo,* except in those cases where the defendants had entered a plea so as to bring the cause in issue, unless the parties should agree to release all errors in such actions and enter into an agreement signifying the same.

Solomon Phelps who had practiced as an attorney of this court, although not admitted, was found to have been guilty of malpractice in very high degree by issuing two writs of *capias ad satisfaciendum* although no judgment could have been previously rendered. It was ordered by the court that he make a proper confession and that he should not be admitted to practice as an attorney of said court for the space of six months, and that he make a private confession to the late clerk of said court for his "ungenteel" treatment of him.

There were forty-three cases at this term and Grout and Brush were the only attorneys appearing in any of them.

At the September term of the same year, Samuel Knight, gentleman, produced in court a license from Governor Tryon, bearing date June 23, 1772, empowering him to practice as an attorney at law in this court and was admitted. He was the same person who was long afterwards a Judge of the County Court for several years and a Judge of the Supreme Court from 1789 to 1793. Solomon Phelps on his petition was admitted on the same day. At said term there were forty-five causes.

At the March term, 1773, Elijah Williams produced a license from Governor Tryon, bearing date February 3, 1773, as an attorney at law in this court, and took and subscribed the oath required of him, and likewise took an oath to well and truly demean himself in the practice of an attorney according to the best of his skill and understanding.

The sessions of the court were limited to four days and great economy of time was required. When a jury trial was commenced it had to be proceeded with until completed without any interruptions. Accordingly in Kingsley v. Bigelow, June term, 1773, in which there

were fourteen witnesses for the plaintiff and one for the defendant, after proceeding during the fore part of the day the record shows: "It appearing to the court that the trial of this cause would continue a considerable time on account of the number of witnesses attending: It was ordered by the court with the consent of the parties and their attorneys, that the jury be committed to the care of the Constable for an hour in order to receive necessary refreshment." Whereupon the court adjourned for an hour. After which it again opened and the jury being returned to the bar, the court proceeded to the further trial of the cause. The jury returned a special verdict. Another cause was tried the same day after that was finished, and the jury was directed to sign and seal its verdict when it had agreed and to separate then and return the verdict in court in the morning. They agreed that night but did not write or sign the verdict and separated and wrote and signed the verdict in the morning and returned it into court. For this cause the court set it aside and ordered that the "cause be imparled until next term upon the issue already joined."

At this term rules of practice to the number of twenty-nine were adopted. The business of the court largely increased so that there were one hundred and eleven cases on the June calendar and one hundred and twenty-two on the September calendar.

The people were largely dissatisfied with the proceedings of the court and its results. The Supreme Court of the Province of New York upheld the titles under the New York grants as against titles derived under the New Hampshire grants. The settlers had little money and were unable to meet judgments and their property, including lands, was often sold at low figures to speculators to satisfy them. At the September term, 1774, most of the petit jurors neglected to appear, and of the grand jurors only five attended court. The delinquent grand jurors were fined forty shillings each and costs and the petit jurors twenty shillings each and costs.

On September 15, 1774, "Simeon Olcott, gentleman, requested the result of the court's consideration on his being admitted an attorney of the court agreeable to his license from the Lieut. Governor presented to the court in the term of June last which being allowed" he was admitted. Olcott was from New Hampshire.

At the December term, 1774, only about half of the grand jury appeared. Two indictments for riot and two for maintenance were presented. In the two last indictments the record is that the respondent "says he will not contend with our Sovereign Lord the King," and the court "laid on him a fine of eight shillings."

Before the March term, 1775, the presiding Judge was called upon by some of the inhabitants of the county and requested that no court be held at that term. He answered that a criminal case required the meeting of the court. The day before the term the people gathered

EDWARD J. PHELPS

Son of Hon. Samuel S. Phelps, United States Senator and Judge of the Vermont Supreme Court, was born in Middlebury, Vt., June 12, 1822. He entered Middlebury College at the age of fourteen and graduated at the age of eighteen. He taught in Virginia, studied law at the Yale Law School and was admitted to the bar in 1843. In 1845 he removed to Burlington. In 1851 he was appointed Second Comptroller of the United States Treasury. Later in the same year he was elected State's Attorney of Chittenden county. He was a member of the Vermont Constitutional Convention of 1870. Mr. Phelps soon built up a reputation as one of the ablest lawyers of Vermont, and took a leading place in his profession in the United States. He was the first president of the Vermont Bar Association and in 1881 was elected president of the American Bar Association. One of the first appointments made by President Cleveland was that of Mr. Phelps as United States Minister to Great Britain, and in that capacity he was one of the most successful diplomats America has sent to the Court of St. James. President Cleveland intended to appoint Mr. Phelps Chief Justice of the United States Supreme Court, but owing to political complications did not carry out his original purpose. Mr. Phelps was a great orator and a man of charming personality. He was professor of medical jurisprudence in the University of Vermont for several years and for many years he was Kent professor of law at Yale University. In 1893 he was senior counsel for the United States in the Behring Sea arbitration. In 1880 he was Democratic candidate for Governor of Vermont. He married Mary Haight, a woman of great tact and rare charm. A son and a daughter were born to them. Mr. Phelps died March 9, 1900.

Edward J. Phelps

in the court house to request that other business be not done. Judge Chandler went into this meeting and was asked whether the Judges would consult with a committee as to the expediency of convening the court in the morning. He answered that the Judges could not enter into a discussion as to "whether his Majesty's business should be done or not," but gave his word that they could enjoy the house without molestation until morning, and that then the court would assemble and hear what those who were aggrieved might wish to offer. Before morning the Sheriff, William Patterson, with a posse armed with guns undertook to take possession of the house and in so doing William French was killed and Daniel Houghton mortally wounded. The latter lived but nine days. In the morning the court assembled and adjourned to three o'clock in the afternoon. The Judges made a statement of facts concerning "the very melancholy and unhappy affairs" and adjourned to the next term. The people assembled from all quarters and took the Judges and the Sheriff prisoners and sent some of them under guard to the Northampton jail. The court never assembled again. There is no further record but the books of court records remaining at Newfane show that they were reversed and the unused leaves used for the records of the County Courts when organized in Windham county in 1781.

The resistance shown at Westminster does not appear to have arisen from dissatisfaction with the decisions of the court nor because of the dispute about the title to the lands. The records show but few actions of ejectment. It seems, rather, to have been a part of the general uprising of the country in opposition to royal rule.

Thus ended the jurisdiction of New York in this territory and no courts were held here under any authority of law for nearly four years. Some persons, however, received commissions as Justices of the Peace from the authorities of New York within the territory and undertook to perform the duties of that office. This was deemed to be an offense by some of the inhabitants and the offending officers were tried for it by courts improvised for that purpose. According to the affidavit of one of the Justices a judgment seat was erected and a court organized in due form with Ethan Allen for the presiding Judge. The case was decided on the merits and the respondent was adjudged guilty and sentenced, and the court attended to the execution of the sentence in person. This person does not appear to have ever acted as Justice of the Peace thereafter. There were several such cases, all of them being first convictions.

Soon after the overthrow of the rule of New York, committees of safety were organized in many of the towns and a Council of Safety was organized for the whole. The council exercised judicial powers almost wholly either by itself or by recommendation to committees of the towns. It did not pass laws but made decisions in

regard to public matters and welfare and upon applications in particular cases. It rendered judgments in regard to property, passed upon titles, and taxed costs; it also granted divorces and administration of estates of deceased persons, and in some cases ordered the commitment of persons against whom judgments were rendered until sentence should be complied with. All this rested wholly in the consent of the people. There was no law for it but the law of necessity of acquiescence to some authority.

The constitution which was provided by a convention of delegates assembled at Windsor, July 2, 1777, was slightly amended at an adjournment of the same convention in December following. It was not submitted to the people. This provided for the election of a General Assembly on the first Tuesday of March, 1778, which was had in most of the towns. It also provided that courts of justice should be established in every county in the State. Although the constitution provided for a Supreme Court and Court of Common Pleas, no such courts were established for several years. At the June session of the Legislature in 1778, five Judges were appointed for special courts in the shires of Westminster, Newbury, Bennington and Rutland. These courts transacted some special business. That for the shire of Bennington tried and convicted David Redding, who was executed for treason. At the same session it was "Voted that Col. Peter Olcott, Bezaleel Woodward, Esq., Maj. Griswold, Patterson Piermont, Esq., and Maj. Tyler be, and they are hereby appointed Judges of the Superior Court for the banishment of tories &c." Whether this court was ever organized or what its jurisdiction was is not known.

At the October session of the Legislature held at Windsor in the same year, it was "Resolved that there be a Superior Court appointed in this State consisting of five Judges." Of this court Moses Robinson was appointed Chief Judge, John Shepardson second, John Fassett third, Thomas Chandler fourth and John Throop fifth Judge of said court. It was further resolved that the Superior Court sit four times in a year, viz.: At the meeting house in Bennington, in the shire of Bennington, on the second Thursday of December next; at the court house in Westminster, in the shire of Cumberland, the second Thursday of March next; at the house of Col. James Mead, in Rutland, in the shire of Rutland on a date not fixed in the resolution; and at Newbury, in the shire of Newbury, on the second Thursday of September next.

It was further resolved that the Superior Court should not sit longer at one sitting than a week. This court met and was organized pursuant to the acts of the Legislature on the 10th day of December, 1778, at Bennington. Then and there commenced the operation of the organized jurisprudence of the State of Vermont.

The Judges are sometimes referred to as Judges of the Supreme Court and sometimes as Judges of the Superior Court. At the first session of the court held at Bennington in the house of Stephen Fay, there were present Moses Robinson, Chief Judge, and John Fassett, Jr., and Thomas Chandler, Jr., Esquires. Having each of them taken the necessary oath of office they proceeded to the choice of a Clerk for said court and chose Joseph Fay. One cause was tried at that session, and one prisoner convicted of "enemical conduct against this and the United States and going over and joining the enemies thereof," was sentenced to be transported within the enemies' lines, and to proceed within the enemies' lines without delay, nevermore to return within this or the United States of America on penalty of being "whipped on the naked back thirty and nine lashes, and the same number of lashes to be repeated once every week during his stay, paying cost."

The next session of court was held May 26, 1779, at Westminster. The Judges took the same docket that was in use at Bennington, and the full court was in attendance. Stephen R. Bradley was appointed Clerk and he and Noah Smith were admitted to practice as attorneys within the State, and their names head the list of attorneys in the State of Vermont. The jurisdiction of the Superior Court had been defined at the February session of the Legislature held in 1779. It was given jurisdiction of all criminal matters and all civil cases above twenty pounds, but it was expressly provided that it should have no power to try any action or title to land for the year ensuing. It was given power to approve of, nominate and appoint attorneys as there should be occasion, to plead at the bar, and an oath was prescribed for them, the same substantially as now, but careful provision was made "that in all cases whatsoever there shall be allowed but one attorney on a side to plead at the bar."

The rules governing civil actions were fixed at the same session, and provision was made for the attachment of property in cases where the plaintiff satisfied the authority issuing the writ that he was in danger of losing his just due unless one should be granted, and gave sufficient security for prosecution of his suit and to answer all damages. This was the origin of attachments on mesne process. The Superior Court was given the jurisdiction which the County Courts would have had by an act which recited that "no County Courts have been established in this State."

In October, 1779, the election of the Judges of the Superior Court was directed to be by the Governor, Council and House of Representatives by their joint ballot in October annually; and the Superior Court was constituted a court of equity in matters above twenty pounds and not exceeding four thousand pounds, and it was provided that cases above the last sum should be heard and determined by the

Governor, Council, and House of Representatives. The form of process was prescribed to be by petition setting forth at large the cause for relief. A right to review as in common law causes and an appeal to the Governor, Council and General Assembly was given in cases wherein the title to land was concerned. Provision was also made that all equity causes then pending before the General Assembly, wherein the demand did not exceed four thousand pounds, "shall be referred to the Superior Court in the same manner in which they now stand."

In October, 1780, the prohibition of trial of title to land was continued to June, 1781, and it was further extended from time to time to 1785. Thus it will be seen that the trial of land titles was carefully kept from the courts for several years. A special act was passed authorizing a suit to try the title to the Utley farm in Bromley, now Peru, between George Duncan and William Utley.

At the February session of the Legislature held in 1781, provision was made for the election of Judges of County Courts to consist of five Judges each, as well as of Sheriffs and Justices of the Peace, by the freemen of their respective counties. Also an act was passed providing that the Governor, Council and House of Representatives should sit as a court to hear and determine all disputes between proprietors holding under different charters made out by one and the same authority by writ of right. At the April session of the Legislature held in 1781, the jurisdiction of County Courts was defined and extended to all crimes not capital, all civil actions where the matter in dispute exceeded six pounds, and to all appeals from Justices of the Peace. Pursuant to this act a County Court was organized within and for the county of Windham on Tuesday, June 26, 1781, at Westminster, at which court John Sessions was Chief Judge and Luke Knowlton, John Bridgman and Benjamin Burt were Side Judges. Stephen R. Bradley was sworn as State's Attorney, and he and Samuel Knight, Ezra Stiles, Jr., and Micah Townshend were admitted to the bar. This was the commencement of County Courts in Windham county and probably in the State.

At the June session of the Legislature held in 1782, a judiciary act regulating Justices of the Peace and County Courts was passed, and it was further enacted that there should be constituted a Supreme Court of judicature within and for this State to be held annually at the respective times and places mentioned in the act by one Chief Judge and four other Judges to be chosen by ballot by the Governor, Council and General Assembly annually at their October session, and commissioned for that purpose, any three of whom to be a quorum, who should have cognizance of all pleas of the State, criminal actions and causes and whatsoever relates to the conservation of the peace and punishment of offenders, whether brought to said court by appeal

or original process according to law; and also of civil causes between party and party.

In October, 1782, Moses Robinson, Paul Spooner, Jonas Fay, John Fassett and Peter Olcott were elected Judges of the Supreme Court and they properly head the list of such Judges for the State of Vermont. Causes in the Superior Court were left there and were completed by the Judges of the Supreme Court. The Supreme Court commenced its sessions at Marlboro, in the county of Windham, February 6, 1783, after it had disposed of the business of the Superior Court which was pending before it. From then till now there have been the Supreme Court, the County Courts and Justice Courts within the State.

The first Council of Censors in its report of October 6, 1785, with reference to the jurisdiction in equity, recited that it was exceedingly inconvenient and against the interest of the community that so numerous a body as the Governor, Council and General Assembly should be employed in determining causes between party and party, whose attention would thereby be diverted from the more important duties of legislation, and recommended the repeal of so much of the act of 1779 as invested the Governor, Council and Assembly with equity powers as a court. This recommendation was heeded and the constitution in 1786, Sec. 5, was made to authorize the Legislature to create a Court of Chancery "provided they do not constitute themselves the Judges of said court." Sec. 6 provided that the legislative, executive and judicial departments should be separate and distinct so that neither exercise the powers belonging to the other.

At least one cause was brought before the old tribunal, sitting as a court of equity. The records of the Governor and Council for October 20, 1785, show that a verbal message was received from the General Assembly requesting His Excellency, the Governor and Council, to join the General Assembly in a grand Court of Chancery. The Governor and Council joined accordingly, the particular case to be heard being that between the proprietors of Wilmington and Draper. On October 21 the hearing was resumed between said proprietors. The defendant pleaded to the jurisdiction of the court and the Governor and Council adjudged the plea to be insufficient to bar the further trial of the cause. The records of the Assembly for that day show that this plea to the jurisdiction was in substance that the court was never established by the laws of the State and that if so attempted to be established it was unconstitutional, and that the case was proper to be heard and determined at law, and praying judgment whether said court would take any further cognizance of said bill. The question being put to the members of the Assembly, as one branch of the court, whether this court would take any further cognizance of the bill, the yeas and nays being required, they stood as follows: Yeas

26; nays 32. So it was negatived by one branch of the court. In Council, October 26, it was resolved that unless the House should recede from this last determination, the Governor, Council and Assembly as a court could take no further cognizance of the cause. The House did not recede and the cause proceeded no further.

By act of March 3, 1787, the Supreme and County Courts were each made to consist of one Chief and two Side Judges, and as to the Supreme Court, it was provided that if any one or more of the Judges should be disabled from attending by reason of sickness or otherwise, the presiding Judge should have the power to call to his assistance any counselor within the State. This provision was not long continued in force and is not known ever to have been acted upon.

The Judges both of Supreme and County Courts were, by the Constitutions of 1786 and 1793, chosen by the House of Representatives in conjunction with the Council. There was no Court of Chancery nor any court authorized to exercise chancery powers except that the courts of law were authorized to mitigate penal obligations from 1787 to 1797.

By an act passed March 3, 1797, a Court of Chancery was constituted, consisting of the Judges of the Supreme Court with all the powers incident to a Court of Chancery, the proceedings to be regulated by the Judges in conformity to the English practice.

In 1814 an act was passed, providing for law terms of the Supreme Court to be holden by all the Judges, any two of whom should constitute a quorum and for trial terms to be holden by one or more of the Judges, each once in each year in each county, and for adjourning actions from the trial to the law term on exceptions reduced to writing in a summary way, and allowed by the Judge or Judges during the term. The law term was to render such judgment or make such order or direction therein as to law and justice should appertain. This system continued until 1821, when this mode of review was taken away and all decisions were left to be made at the trial. In that year each of the Judges in the Supreme Court as chancellor was authorized to make interlocutory orders in chancery cases preparatory to final hearing in vacation.

Until 1824 cases were taken from the County to the Supreme Court by appeal only, and from 1814 to 1821 the cases were tried there anew with a right to review in the Supreme Court on exceptions as stated. In that year all appeals were taken away except on questions of law placed on the record and trials of questions of fact were remanded to the County Court. The County Courts were constituted of a Judge of the Supreme Court and two County Judges.

The Supreme Court remained a Court of Chancery until 1839, and there were no appeals in chancery. After that time there was a Court of Chancery consisting of one Judge, as chancellor, sitting at

the same time as the County Court in each county, with appeals from all decrees to the Supreme Court. From 1850 to 1857 the Supreme Court consisted of three Judges and the County Courts were composed of a Circuit Judge, who was chancellor, and two county Judges.

When the Supreme Court was first organized in 1782 there were five Judges. In 1787 the number was reduced to three and so continued until 1825 when another Judge was added. The court was increased in 1828 to five, to six in 1846, and to seven in 1870, and this number continued until 1906, when the court was divided and the present system established. At this time the Supreme Court was given four members and six Superior Judges were elected. In 1908 the Supreme Court was enlarged to five members, which is the present number (1922), and the number of Superior Judges remained the same. There have been five complete changes in the personnel of the Supreme Court; first in 1789 when the Judges elected were for the first time lawyers; again in 1801 when the Republicans gained control of the Legislature and elected a new set of Judges for the Supreme Court, although it is said that the change was not for political reasons. The next complete change took place in 1813, when the Federalists, having secured control of the State, elected three of their own party to the bench. This was a temporary change, however, for in 1815, the Republicans having won the election, they selected from their party three Judges. The only other complete change since that time was in 1817, but this was not due to politics, but came about through a combination of circumstances due to the elevation of one or more of the Judges to other positions of trust and the refusal of others to serve longer. In the five complete changes only one member was elected who had previously served as Judge. In all the other changes not one of the new Judges had ever acted as such before his election.

In 1850 an act passed at the session of 1849 took effect, establishing a Supreme Court consisting of one Chief Judge and two Assistant Judges, with the provision that any two of the Judges should constitute a quorum. By the same act the State was divided into four judicial circuits, of which the counties of Bennington, Rutland and Addison comprised the first; Windham, Windsor and Orange, the second; Chittenden, Franklin, Lamoille and Grand Isle, the third; and Washington, Caledonia, Orleans and Essex, the fourth. Provision was made for the election of a Judge for each circuit, who should also be a chancellor. It was further provided that in each circuit there should be held annually, in addition to the sessions then regularly held in each county, a term of the Supreme Court. By this act the Judges of the Supreme Court held eighteen sessions annually, fourteen in the counties and four in the circuits. The work of the trial courts was done by the Circuit Judges and the two courts were separate and distinct as now.

This plan continued until 1857, when the Legislature returned to the old law by which the Supreme Court Judges held both the County Courts and the Supreme Courts. The law passed at this time provided for a Supreme Court of six members, one Chief Judge and five Assistant Judges. It was made the duty of the Judges to designate four of their number to hold sessions of the Supreme Court in the several counties, three of whom should concur in an opinion of the court. In addition to these sessions, two general terms of the same court were provided for, one to be held on the east side of the State for the eastern counties, and one on the west side for the western counties. It was the duty of all the Judges to attend these sessions, which were intended to take care of any business left over from the counties, and for the re-argument of any cases that the Judges might so order. A majority of the Judges had to concur in any decision of the court. Prior to 1850 a Judge who presided at County Court could sit in Supreme Court upon the hearing of any legal question reserved in County Court, except during the year following 1837, when an act was passed prohibiting this, but this act was repealed the following year. Since 1850 no Judge could sit in review upon any question that he had passed on in County Court, except that at one time there was an exception in case three of the Judges were disqualified. All the trial work in the counties was done by the six Judges of the Supreme Court.

In 1870 another Judge was added and provision made for a Supreme Court of four members. The court held this number until the present dual system was adopted in 1906.

"An Act to Expedite Legal Proceedings" was passed in 1892. One of the leading features was a provision for three general terms of the Supreme Court for all the counties to be held at Montpelier, and such special terms as the Judges might appoint. Instead of writs being made returnable to a stated term of the County Court, they were made returnable within twenty-one days from the time of issuing the same, and the defendant was compelled to answer on or before the first Tuesday of the next month after the expiration of that time. Thus cases were brought to an issue earlier than under the old practice. For twelve years this system of holding all the terms of the Supreme Court at Montpelier, the Judges having appointed no special sessions elsewhere, was maintained. This result was not achieved without effort, however, for many an attempt was made by the friends of the old system to put the Supreme Court "on wheels," as it was said, and the forces back of the new law had to be rallied at Montpelier more than once to prevent its repeal. It was argued by the advocates of the new law that the State Library was of so much assistance in the preparation and argument of causes that no sittings of the court should be held except in the Supreme Court room in the

State House. On the other hand, it was urged that the expense of going to Montpelier was too great for poor litigants and that they should be accommodated by a court nearer at home.

When the present system of courts was established in 1906 the latter argument triumphed to the extent that terms of the Supreme Court were provided for once a year at St. Johnsbury, Rutland, and Brattleboro, in addition to the general terms at Montpelier. These sessions away from the capital have been regularly held since and have been found to be convenient for the attorneys and agreeable to the Judges.

The act last referred to created a Supreme Court of one Chief Judge and three Associate Judges. It provided for three general terms of the court besides the special terms in the counties named. The same act made provision for the election of six Superior Judges, the one first elected to be the Chief Judge. It was made the duty of the Superior Judges to hold the County Courts and the law gave the Judges in either court power to sit in the other court should occasion require. The result has been that the Superior Judges have frequently been called to sit in the Supreme Court and in occasional instances the Justices of the Supreme Court have presided in the County Courts.

At the session of 1908 another Judge was added to the Supreme Court, making five in all. This was done in response to an opinion that both the bench and bar entertained that the Supreme Court should consist of at least five Judges. Prior to the organization of the new courts in 1906 the Judges were badly overworked. Two of the Judges died as the result of their excessive labors and several other members had been ill from the same cause. Moreover the dockets of the courts could not be kept clear. The Judges had to leave the trial work unfinished in order to attend the terms of the Supreme Court and opinions had to be prepared while the Judges were engaged in the County Court. Litigation had increased in some of the counties and new duties had fallen to the Judges as the result of legislation and otherwise. In such a condition of affairs it is natural that there should have been a change in the judicial system. It was to be expected, too, that the change would result in the division of the court into trial Judges and Judges sitting in banc. Experience in other jurisdictions has shown this to be the usual and best method for the disposition of legal business. Under the present system it rarely occurs that work is delayed in either court on account of the inability of the Judges to attend to it. Two terms of County Court are held annually in each county, five regular terms of the Supreme Court are held at Montpelier, and three special terms at the places designated in the act of 1906.

The Superior Judges hold the County Courts according to an assignment made by them, which is designed to equalize the work

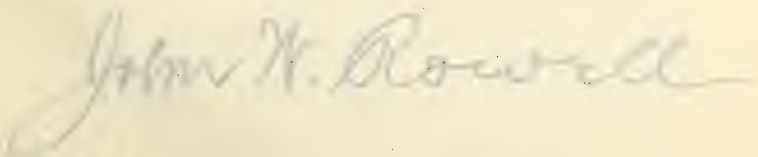
as much as possible. They rotate by a fixed rule from county to county, the Judge holding a term in a county going to all the other counties before returning to the county where he first sat. This rule brings the visits of each Judge to a county in periods of from two and one-half to three and one-half years apart. The assignments are so made, too, that the Judge who holds the spring or summer term in a county, next presides at the fall or winter term. The difference in the periods between which a Judge holds court in a county, whether two years and a half or three years and a half, is made necessary in order that the schedule which was originally made out by Justice Taylor, after much careful computation, may provide a rule that shall be permanent. Notwithstanding this rule the assignments of the Judges are made up every two years and when a new Judge is elected or appointed he takes the place in the assignment which the retiring Judge occupied.

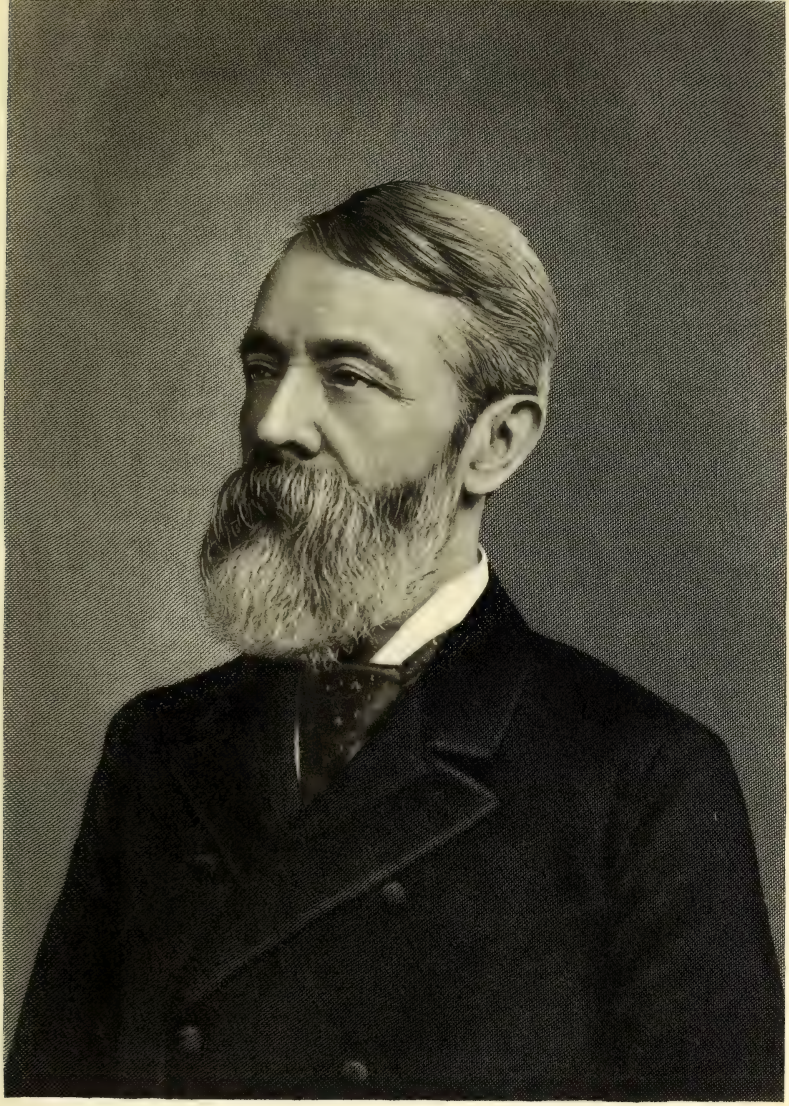
Until 1912 the Supreme Court consisted of a Chief Judge and Assistant Judges, but it was common to hear the term Chief Justice applied when the Chief Judge was referred to. This was particularly the case on the part of laymen and attorneys who came to Vermont from other States. The title of Chief Justice is so much more fitting that it is not unnatural that it should have been commonly used by those who were not familiar with our statutes. When the bar of Vermont erected the monument to Chief Judge Pierpoint at Vergennes, Mr. Phelps, who was his cousin, insisted that he should be described on the stone as Chief Justice for he said he was a "Chief Justice." The stone was accordingly marked in this way although no such office was then recognized in Vermont. When the Constitution was amended in 1912 provision was made that wherever the words "Judge" or "Judges" were used therein to designate a Judge or Judges of the Supreme Court, the words "Justice" or "Justices" should be substituted therefor as the case might require. By this change the Chief Judge of the Supreme Court became Chief Justice and his associates Associate Justices.

When Vergennes was incorporated as a city in 1788, the Mayor was made Judge of the municipality. This is the first instance in the history of the State of the creation of anything like a Municipal Court. It is doubtful if any Mayor of the first city of Vermont ever sat as a Municipal Judge. The next Municipal Court was established in Burlington in 1865, the Judge being known as Recorder. Following this time, similar courts were established in Bennington, Rutland, Barre, Montpelier, St. Albans, Brattleboro, Winooski, Bellows Falls, Springfield and Brighton, and in the counties of Orleans, Caledonia and Addison. While these courts were at first intended to be local, their jurisdiction has been extended so as to embrace whole counties in many cases and under certain conditions. In this way the work

JOHN W. ROWELL

Born in Lebanon, N. H., June 9, 1835. He was educated in the common schools and at West Randolph (Vt.) Academy. He began the study of law in Randolph in 1856, and was admitted to the bar in 1858. He represented Randolph in the Legislature in 1861 and 1862, was State's Attorney of Orange county, 1862-63 and State Senator in 1874. He was chosen Reporter of the Supreme Court decisions in 1872 and in 1882 was appointed a Judge of the Supreme Court. He continued on the bench nearly thirty-two years, having been made Chief Judge in 1902. His judicial term was the longest in the history of the State. He is president of the Randolph National Bank. He has received the degree of LL. D. from the University of Vermont and Middlebury College.





John W. Rowell

done heretofore by Justices of the Peace has been committed to more competent tribunals, and the County Courts have been relieved of much small civil business and a good deal of the criminal business. The Municipal Judges are lawyers who are appointed by the Governor for a term of two years. Exceptions on questions of law may be taken direct to the Supreme Court. Much business is done in these courts, especially in the larger places where many criminal prosecutions are brought. These courts cover so much of the State that they take the place of the Justice Courts very generally. They are available daily for the transaction of business and in most cases the expense is less to suitors than in the County Courts.

Courts for the settlement of estates of deceased persons and probate of wills were established during the second year of the State government. There are twenty probate districts. The eight northern counties comprise one district each, and the six southern counties are divided into two districts each. The Judges are elected by the freemen of the probate districts and they appoint their Registers. This court has the sole, original jurisdiction of the probate of wills and trusts created thereby, and the settlement of estates, including estates of infants and all persons under guardianship. The County Court has appellate jurisdiction of all matters originally within the jurisdiction of the Probate Court, and questions of law arising in the trial of probate appeals in the County Court are reviewed in the Supreme Court the same as in other cases.

Since the earliest times Justice Courts have been in existence and have had jurisdiction to try and determine civil and criminal cases of small magnitude. These courts have power also to bind over to County Court persons charged with crimes beyond the jurisdiction of the Justice to try and determine. Provision for a jury of six in Justice trials is made by law, but as a jury of twelve is guaranteed by the Constitution, it is the right of respondents to a trial by such a jury, and their cases are tried in the Municipal or County Courts when a jury trial is desired. Except in very small matters appeals are granted to the County Court or the Municipal Court if there is one in the county where the Justice trial is held. Formerly Justice trials were frequent and considerable consequence was attached to them, especially by young practitioners. It was very common, too, for older lawyers to participate, and the trials frequently extended far into the night, and were a matter of much interest in the locality where they were held. Many a young lawyer has established a reputation in these courts. They furnished an opportunity for a display of wit and learning on his part and added to his acquaintance and standing. All is now changed. Lawyers avoid these courts if possible, and trials in them are becoming more and more infrequent. The Municipal Courts have largely replaced them.

Reports

There were no published reports of the decisions of the old Superior Court. The cases were largely criminal and many of the offences political. Prosecutions were in the name of the freemen. Many causes were for slanderous words, and in one case the words spoken were that the plaintiff "claimed protection of Burgoyne." The point was raised, but these words were held to be actionable. In another case the proceedings were commenced in criminal form. Objection was made by counsel for the defendant that damages for private injury could not be recovered in that manner. This objection was at once overruled and plaintiff had a verdict and judgment for damages in a large amount. The library of Charles Phelps was confiscated and Abel Stockwell, Constable of Marlboro, went to take the books. Mr. Phelps and his son drove the officer off with pitchforks. The Constable of Brattleboro went soon after with assistants and took away the law books but left the theological books. Stockwell brought suit in Supreme Court against Mr. Phelps and his son for assault, claiming damages in the amount of three thousand pounds. The writ was in manuscript, folded in the usual form. The plea of Charles Phelps is written upon one of the folds. It recites that at the August term, 1780, the defendant justifies the assault as being in defense of his property which was by force and arms attempted to be taken from him by the plaintiff, there being no redress provided for by law and he being a subject in and of the State of New York, where there was in fact a state of nature, and no redress of any grievance could be had by law for more than five years before said assault was made. Therefore, he claimed that by the law of nature and nations and by the law of the country there was no law by which he could avail himself and this he prayed might be considered by the court. This plea was afterwards withdrawn, a default entered and damages assessed at seven hundred pounds. Damages were solvable in Continental money, which on that day was worth one dollar for one hundred dollars, so that the actual damages assessed were about thirty-four dollars. Among the books taken were some belonging to Solomon Phelps. He petitioned the Superior Court for their return. The last act of that court in that county was to grant the return to him of Salkeld's Reports I Vol., Milton's Paradise Lost, Telemachus 2 Vols., Lord Bacon's Essays, and such other books as the said Solomon Phelps' name was inserted in. The library of Charles Phelps was made use of by the revisers of the laws in 1782 and it may thus be said to have constituted the first appearance of a Vermont State Library.

During the time when cases in the Supreme Court were either originally brought there or taken there by appeal and tried *de novo* and not heard upon exceptions as to matters of law, there were no

official reporters of its decisions. This covers the period from 1783 to 1814. Nathaniel Chipman, however, reported a few cases arising in 1789, 1790 and 1791. Tyler's reports are of cases in 1800, 1801, 1802 and 1803 and Brayton's of cases from 1815 to 1820, inclusive.

An act was passed in 1823 providing for the appointment of a Reporter and making it his duty to publish such of the former decisions of the Supreme Court as he should judge proper. The appointment of first Reporter fell to Daniel Chipman. His first volume consists largely of the reports of cases during the time when the *nisi prius* system prevailed, from 1814 to 1821. He included, however, a few of the cases reported by Nathaniel Chipman and cases arising after that system was abolished in the years 1822, 1823 and part of 1824. His second volume consists of cases in 1824. Aiken's Reports cover cases in 1825, 1826 and 1827. The Judges reported the cases from 1826 to 1837 in the first nine volumes of Vermont Reports. Since then there has been a regular series of reports by an official Reporter.

Changes Made in the Judges By Governor Fletcher

When Chief Justice John W. Rowell tendered his resignation to Governor Fletcher to take effect October 1, 1913, the usual advancement of the next older Justice in point of service to the place made vacant was not observed by the Governor. The appointment which would thus have fallen to Justice Loveland Munson was given to Justice George M. Powers, the youngest member of the court, who thereupon became Chief Justice. This appointment was accepted by Justice Powers with great reluctance and not until it was certain that the Governor would not appoint any of his associates to the place. The position was one that Justice Powers was well qualified by temperament and training to fill and his appointment was favorably received. At the same time there were many influential lawyers and citizens who regretted that the Governor had departed from the rule which had long been followed of advancing the Judges of the Supreme Court when a vacancy occurred on the bench. Justice Powers became Chief Justice October 1, 1913, and continued as such until February 1, 1915, when, having resigned, Justice Munson was elected in his place.

When the proposals of amendment to the State Constitution were passed at the session of 1912 no provision was made that the Justices of the Supreme Court and the Superior Judges should hold office after the term of their election, which was until December 1, 1914. The election of the above Judges had occurred on the third Thursday after the meeting of the Legislature in 1912, which was assembled on the first Wednesday of October in that year, according to the

provisions of the old Constitution. They were elected for two years, their term of office to begin December 1, 1912. While the Legislature of that year made provision that the officers elected by the people in November, 1912, should hold over until the term of their successors elected in 1914 should begin, which by the provisions of the amended Constitution would be February 1, 1915, no provision was made as to the other State offices, which included the Judges. As the General Assembly did not meet according to the terms of the amended Constitution until the first Wednesday next after the first Monday of January in 1915, the Governor was within his rights when he decided that he must fill vacancies in the Supreme Court and must appoint Superior Judges December 1, 1914. The Constitution provided that the Judges of the Supreme Court should be elected biennially and that their term of office should be for two years. Provision as to the election of the Superior Judges rested on the statute. The Governor sought the advice of the Supreme Court, or at least some members of the court, and decided that it was his right and duty to appoint the Justices of that court for a term of two years to begin on December 1, 1914. It was his opinion, moreover, that inasmuch as there would be a vacancy at the end of the term to which he would appoint, it would be the duty of each successive Executive to fill the vacancy by appointment at the end of each term and that there could be no election of the Justices by the Legislature unless the Constitution was amended and this could not be done for ten years. He accordingly made the appointments to the Supreme Court December 1, 1914, and issued commissions to the Justices for two years. He appointed and commissioned the Superior Judges at the same time and for the same term. It was understood that the incoming Legislature could interfere with these appointments, if it so decided, as the office of Superior Judge was a creation of the statute and did not depend on any constitutional provisions. It was the expectation of both the Governor and his appointees that no changes would be made in either court as made up by him. It was the purpose of the Governor at the outset to make several changes in both courts and with this end in view he asked several lawyers to take places on the bench in one or the other of the two courts. For different reasons it was not easy to induce all the men of his choice to accept places under the circumstances. The tenure of the office was too uncertain and the emoluments not large enough to attract men in lucrative practice. The Governor finally made two changes in the Supreme Court and one in the Superior Judges. In place of Justice Munson, the senior member of the Supreme Court, he appointed Robert E. Healy, a young attorney of Bennington, and in place of Justice Haselton he appointed Judge Slack the sixth Superior Judge. James B. Donoway of Middlebury, the Municipal Judge for Addison county, was named as the fifth

Superior Judge in place of Judge Fish and Walter A. Dutton of Hardwick was given the place made vacant by the elevation of Judge Slack to the higher court. There was force, in a geographical sense, in the appointment of Judge Healy, for Bennington county was still represented in the higher court; and Addison county lost nothing in this way, for both Judge Fish and Judge Donoway were residents of this County. In Chittenden county the situation was different. Caledonia county had received the judgeship that the large county of Chittenden had had since the election of Judge Taft in 1882 and Caledonia already had one Justice of the Supreme Court and now by the new appointments had two members of that court and one of the Superior Judges. It was natural in a State where the tenure of the Judges had come to be regarded as one for life, although the elections occur once in two years, that the action of the Executive should have been questioned. There had been no demand, in so far as the public understood the case at least, for the removal of Justices Munson and Haselton and Judge Fish or for the appointment of the men who were made their successors. The situation was the subject of general discussion in the newspapers and among the people before the convening of the first Legislature to assemble under the amended Constitution in January, 1915. This discussion happily did not involve the personnel of the new Judges, as it was generally recognized that they possessed the required ability to fill the places to which they had been appointed. It centered principally around the constitutional question as to the right of the Legislature to elect the Justices of the Supreme Court and bore more upon the importance of a permanent tenure of office of a Judge as a principle of government than upon the right of any particular men to hold places on the bench. Against the position that the new Constitution made an election of the Justices of the Supreme Court impossible, the advocates of the restoration of the old court urged that by providing that these offices should be elected once in two years by the Joint Assembly, the Constitution made that the duty of the incoming Legislature; and that when that had been discharged the vacancies which the Governor had sought to fill for a term of two years would no longer exist and the elected Judges would be the legal Judges for the term of their election.

During the early days of the session bills were introduced providing for the amendment of the law relating to the term of office of the Judges of both classes and making provision that the term of both should begin on the first day of February next after their election and continue for two years. The bill relating to the Superior Judges further provided that the term of the Judges then in office should end January 31, 1915. Both the proposed acts became laws on January 20, 1915, and took effect from their passage. No express provision relating to the end of the term of the Justices then in office

having been made in the new acts, the rights of an elected court under the circumstances depended upon the Constitution which declared that the court should be elected once in two years, and the amended law which changed the term so as to make it begin on February 1 and continue for two years. An honest difference of opinion existed as to what should be done under the circumstances. It was urged by some that to elect any but the Justices then in office would result in a duplication of courts and that this would involve litigants, as well as the courts, in uncertainty and trouble. In such a situation what court should decide the right of the matter—the old court or that created by the Legislature? The case seemed to require the Judges to determine by what right they held their own offices. This was not a pleasant situation. It was proposed that the Legislature, if it would act in the premises, should elect the present Justices and thus save all doubt. The solution of the question came in the resignation of all the Justices by the provisions of which their terms of office were to become vacant on the election of their successors. This act on their part led to the election of all the Judges by the Legislature.

On the third Thursday after the assembling of the Legislature it met in joint assembly, according to the provisions of the statute then long in force, and proceeded to the election of the State officers, whose election by the Constitution and laws devolves upon the Legislature. The members of the old Supreme Court were all re-elected. Justice Munson was made Chief Justice, Justice Watson first Associate Justice, Justice Haselton second, Justice Powers third and Justice Taylor fourth. The old Superior Judges were likewise all re-elected. There was no contest in any instance. Thus was brought to a close one of the most exciting incidents in the history of the courts of Vermont. The result was due to the disposition of the people to follow long cherished traditions and customs. The election of the Judges had been a prerogative enjoyed by our legislators for more than a century. It was not easy to surrender such a privilege. Besides the people had come to regard a judgeship in the higher courts as a life office and did not look with favor upon a departure from this custom without a good and sufficient reason therefor.

THE FEDERAL JUDGES

SINCE the admission of the State into the Union in 1791 there have been but eight Judges of the Federal Court for the District of Vermont. The average tenure of these Judges has been a little more than sixteen years. Judge Paine served the longest term by rounding out a period of forty-two years, and Judge Chipman's service was the shortest, he having resigned two years and a half after his appointment by President Washington. Judges Chipman, Paine, Prentiss and Wheeler were also Judges of the Vermont Supreme Court. Judge Chipman served in the State Court both before and after he resigned as a Federal Judge and Judges Paine, Prentiss and Wheeler before their appointment as Federal Judges. Judges Chipman, Paine and Prentiss were also United States Senators. Judges Hitchcock, Smalley, Martin and Howe were selected from the ranks of the profession and had no judicial experience before their appointment as District Judges.

The statutes of the United States provide that Vermont shall constitute one judicial district to be known as the District of Vermont. Terms of the District Court shall be held at Burlington on the fourth Tuesday in February; at Windsor on the third Tuesday in May; at Rutland on the first Tuesday in October; and at Brattleboro on the third Tuesday in December. In each year one of the stated terms of the District Court may, when adjourned, be adjourned to meet at Montpelier, and one at Newport. A special term of any District Court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the District Judge. Any business may be transacted at such special term which might be transacted at a regular term.

The right of the District Judge to hold court outside of his district is also regulated by United States statute. This provides that when from the accumulation or urgency of business in any District Court, the public interests require the designation and appointment of a District Judge to sit outside of his district and the fact is made to appear to any of the Circuit Judges in which the district lies, or in the absence of all the Circuit Judges to the Circuit Justice of the circuit (who is one of the Justices of the United States Supreme Court) in which the district lies, such Circuit Judge or Justice may designate and appoint the Judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the Judge thereof. Each of the District Judges may, in case of such appointment, hold separately at the same time a District Court in such district, and discharge all the judicial duties of the District Judge therein.

NATHANIEL CHIPMAN

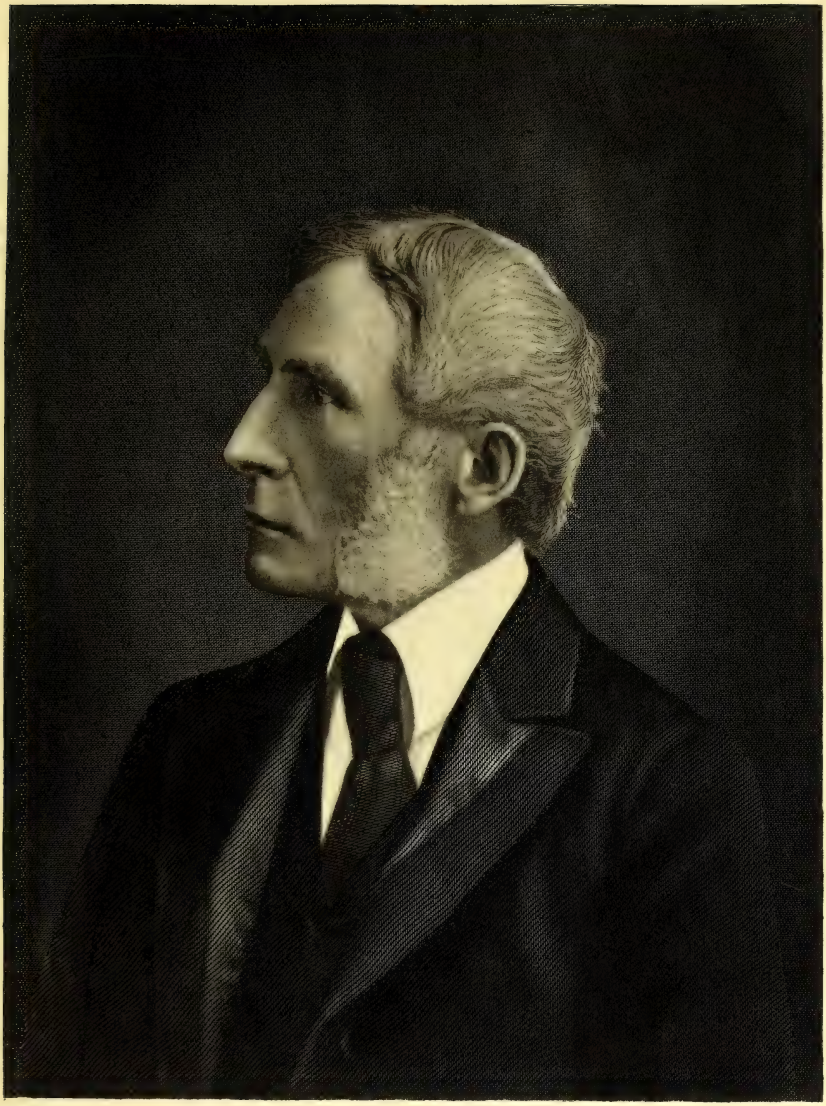
1752-1843

The first of the District Judges was Nathaniel Chipman of Tinmouth, who served from March 4, 1791, to September 3, 1793. He was born at Salisbury, Conn., November 15, 1752, and died at Tinmouth, February 15, 1843, at the age of ninety-one years. He was a graduate of Yale and a Lieutenant in the Revolutionary Army; he fought at Monmouth and endured the sufferings of Valley Forge. He studied law at Salisbury, Conn., and was admitted to the bar of that State in 1779. In April of that year he reached his father's home in Tinmouth and began the practice of his profession. At the Superior Court held in Rutland in June, 1779, he was appointed as attorney at law and sworn and licensed to plead at the bar in the State court. He represented Tinmouth in the Legislature of 1784-85. He was elected Assistant Judge of the Superior Court in 1786 and was the first lawyer to be placed on the bench in Vermont. In 1791 he was appointed, with Lewis R. Morris, commissioner to attend Congress and to negotiate for the admission of the State into the Union. Immediately afterwards President Washington appointed him as United States Judge for the District of Vermont, which position he resigned in 1793. In 1796 he was elected Chief Judge of the Supreme Court of Vermont and in 1797 United States Senator to succeed Isaac Tichenor, in which capacity he served for five years when he returned to Vermont, resumed practice and again represented Tinmouth in the Legislature from 1806 to 1811. In 1813 he was elected one of the Council of Censors, a body chosen once in seven years to review the Constitution and recommend amendments. He was chosen Chief Judge again in 1813 and continued as such until 1815. In the latter year he was appointed professor of law of Middlebury College and held this place until his death. During this time he was president of the board of trustees of that institution. He outlived nearly one-half of his successors in the legal profession and spent the last ten years of his life in seclusion and study at his home in Tinmouth. His library was a wonder to the people of the neighborhood, and when it was produced for appraisal it measured exactly one cord. It was eight feet long, four feet wide and four feet high.

Judge Chipman was one of the greatest of the early Vermonters. Four times he left the practice of the law to take a place on the bench. He rendered distinguished service as a legislator at Montpelier and Washington and was a writer of great force. Among his published works are his "Sketches of the Principles of Government" and a volume of "Reports and Dissertations." The latter volume is made

BENJAMIN F. FIFIELD

Born in Orange, Vt., November 18, 1832. The family removed to Montpelier in a few years, where he prepared for college. He graduated from the University of Vermont in 1855, studied law and was admitted to the bar in 1858. As a railroad and corporation lawyer he is said to have stood at the head of his profession in Vermont for many years. For thirty years he was counsel and confidential adviser of the Central Vermont Railroad and piloted that corporation through a long receivership and complicated litigation. It is said that during this period Mr. Fifield established the most important rules governing the practice in receivership cases which have been followed in this country since that time. He was appointed United States District Attorney in 1869 and held the office until 1880. He was elected a member of the Legislature in 1880 and was chairman of the House Judiciary Committee. A speech which he delivered in support of the Republican national ticket in 1880 was so effective that the National Committee circulated one million copies. He was a delegate to the Republican National Convention in 1884. In 1889 Governor Smith tendered him the appointment of United States Senator to succeed Justin S. Morrill, deceased, but he declined the honor. He served as a trustee of the University of Vermont and from that institution he received the degree of LL. D. He married Lucy Hubbard of Montpelier, January 4, 1865. Three daughters were born to them. Mr. Fifield died July 23, 1918.



B. F. Fifield

up of cases decided by Judge Chipman and legal essays on the statute adopting the common law of England, the statute of offsets, on negotiable notes and the statute of conveyances. He was the author of the revision of the statutes published in 1797 and of a legal publication entitled "Principles of Government, a Treatise of Free Institutions Including the Constitution of the United States." As professor of law at Middlebury College he delivered a course of lectures which attracted favorable attention. During the nullification period he published a pamphlet against the Calhoun doctrine in which he exposed the fallacy of the great logician of the South. He was an early advocate of the Senate as a coordinate branch of the Legislature. He argued for the appointment of Judges during good behavior and proposed an amendment of the Constitution to this end in order to add to the independence of the judiciary. His reasons were set forth with his accustomed learning in a review of the constitutions and practice in all the States and a discussion of the history of the methods of other countries. His efforts for the creation of a Senate bore fruit, but we are still committed to the election of Judges at each session of the Legislature. His argument for life tenure was in accord with the best judgment of today and in harmony with the Federal law, that of several of the States and of Great Britain. In the days of Judge Chipman a judgeship was regarded as a political office and it was quite common for the party coming into power to change the bench so as to make it conform to the political faith of the dominant party. In later years a judgeship has come to be regarded as a life position and only once in the past fifty years has there been any variation from this rule when the Legislature has acted. The exception was in the case of Judge Barrett as will more fully appear in his sketch. It is true that the permanency of the judicial tenure was brought in question a few years ago when the Governor was called on to appoint the Judges and selected several new men in the places of those who were then serving, but the Legislature observed the time-honored rule by re-electing the old Judges. It can be said of the present system that it has usually worked well and there are not a few good men who deem it no misfortune that the question of the good conduct of our Judges is submitted at each session of the Legislature to the representatives of the people.

Judge Chipman was eloquent as an advocate, and profound as a lawyer. As a Judge he was painstaking and thorough. He presented a case fully to the jury, making a compact and lucid statement of the facts while giving his instructions on the law. He possessed a clear and discriminating mind. It was comprehensive and analytic. He was cautious in forming opinions, impartial in his judgments and positive and emphatic when he had arrived at a decision.

The last twenty-five years of his life were spent in practical retirement. He spent his time in rural pursuits, in books, in correspondence and in communion with congenial friends, and was regarded by his neighbors and professional brethren almost as a patriarch.

SAMUEL HITCHCOCK

1755-1813

The second District Judge was Samuel Hitchcock of Burlington and Vergennes. He was born at Brimfield, Mass., March 23, 1755, and graduated at Harvard in 1777. He studied law at Brookfield, Mass., and was probably admitted to practice in Worcester. He was admitted to the bar in Bennington county in June, 1784, and was in practice in Manchester until about 1787, when he removed to Burlington where he practiced until his appointment as District Judge. He represented Burlington in the Legislature in 1789, 1790-91-92-93. He was a member of the Convention of Delegates of the People of the State of Vermont, held at Bennington in 1791, to ratify the Constitution of the United States, which had been submitted by an act of the Vermont Legislature, passed in October, 1790. He is credited with being the author of the charter of the University of Vermont. He was one of the first trustees of that institution and continued as a trustee the remainder of his life. He was appointed the first State's Attorney of Chittenden county and served as such from 1787 to 1790. He was elected Attorney General of Vermont under the act of 1790. He was Presidential Elector in the second presidential election and voted for Washington and Adams. As one of the committee of revision of our statutes he assisted in the compilation of 1797. His appointment as District Judge came through President John Adams, September 3, 1793, and he continued to hold the office until the judiciary act was repealed in 1801. The first marriage recorded in Burlington is that of Judge Hitchcock to Lucy Caroline Allen, May 26, 1789. She was the second daughter of Ethan Allen. For a half dozen years after his marriage he remained in Burlington, then moved to Vergennes, where he resided until 1806, when he returned to Burlington, where he died November 30, 1813.

ELIJAH PAINE

1757-1842

The third of the Federal Judges was Elijah Paine of Williamstown, who was born at Brooklyn, N. Y., January 21, 1757; studied at Harvard for a few months, entered the Revolutionary Army and afterwards returned to college where he graduated in 1781. After

studying law he came to Vermont and located at Windsor. Some time later he left the latter place, located in Williamstown and began the settlement in the midst of a wilderness. Here he established a mill for the manufacture of broadcloth which employed two hundred workmen. He erected the first saw and grist mill in the vicinity and built a turnpike from Brookfield to Montpelier at an expense of $10,000, which he presented to the State. At one time he was the owner of fifteen thousand Merino sheep, together with many high-grade horses, cattle and swine. In 1786 he was a member of the convention to revise the State Constitution. He represented Williamstown in the Legislature from 1787 to 1791 and was a Judge of the Superior Court after its organization until 1794, when he was elected United States Senator to succed Stephen R. Bradley. He declined a second election because of his appointment as District Judge, March 3, 1801. This was the last day of the administration of President John Adams and the appointment was one of a group which was called by the political opponents of the President, the "Midnight Judges." This was due to the fact that the appointments were made and confirmed a few hours before the expiration of the President's term of office. This place he held for over forty years, and until a few weeks of his death, April 21, 1842. The University of Vermont and Harvard University each conferred on him the degree of Doctor of Laws. At the latter institution he delivered the first oration before the Phi Beta Kappa Society and was elected its president in 1789. He was a member of several learned societies for the advancement of the arts and sciences. He had four sons, Martin, an eminent physician; Elijah, a Judge of the Supreme Court of New York; George, a prominent lawyer; and Charles, who was Governor of Vermont 1841-43.

Judge Paine was a remarkable man. It is not possible to learn much of him as a lawyer, although it is apparent that he had the requisite knowledge for the discharge of his judicial duties and that he applied his great business talent to the dispatch of the duties of his office. His appointment was said to have been a most admirable one. He gave strength and honor to his position and performed its duties with notable enlightenment. He was, with Tichenor, Bradley, Chipman and Ira Allen, one of the commissioners to settle and close the controversy between Vermont and New York. He was on terms of personal friendship with Washington and on the visit of Lafayette to Vermont was selected as the most fitting person to deliver the address of welcome. He was interested in many movements for the betterment of society and in close touch with the best minds of the day. He was one of the most versatile men of his time, an exemplary Christian and a constant church attendant. He had no idle moments. In this lay his secret of success. Whenever there was an

intermission of labor he was at work with pencil and paper. His mind was so trained that he could deal thoroughly and systematically with one subject after another as they came before him, whether this subject was law, agriculture or mechanics. He was sure to come out superior to difficulty in every department of his labors. Punctuality was a religion with him. He routed out his hostler from his sleep and drove to a townsman's house to pay a debt before midnight because he had promised to pay that day. He rode forty miles and back, traveling all night, to make a loan, in order to fulfil an obligation on the next day. He is described as a "tall, well-proportioned gentleman, dressed in the style of George Washington, of a grave countenance and dignified bearing, scornful to none but affable to all, of commanding personal appearance, a well-proportioned frame of six feet in height, with a physiognomy of the Roman cast and a corresponding vigor of mind. Though sternly dignified he was as gentle as a woman and was loved and venerated by his children."

SAMUEL PRENTISS

1782-1857

Samuel Prentiss of Montpelier was the fourth District Judge. He served from April 8, 1842, to February 3, 1857. Judge Prentiss was born at Stonington, Conn., March 31, 1782, and died at Montpelier, January 15, 1857. His boyhood was passed at Northfield, Mass., where he acquired a common school education and afterwards studied law at that place and at Brattleboro in the office of John W. Blake, and was admitted to the bar in Windham county in 1802. A year afterwards he opened an office in Montpelier, which was his home during the rest of his life. In 1822 he was elected a Judge of the Supreme Court, but declined the position on account of the inadequacy of the salary and the demands of his growing family. He represented Montpelier in the Legislature in 1824-25 and was the originator of the act in the latter year which made an important change in the courts. Until that time the three Judges of the County Court were not as a rule lawyers. This system was so changed that the Chief Judge of the County Court should be one of the Judges of the Supreme Court. When the act went into effect he was again elected Judge and this time accepted, holding until 1829, when he was made chief. This place he held for but one year, for in 1830 he was elected United States Senator and re-elected in 1836, but resigned in 1842 upon being appointed District Judge, a position which he adorned until his decease.

Judge Prentiss was the greatest lawyer among the Vermont Federal Judges. He lacked, it is true, a college education and had no

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early training except such as he acquired in the common schools and under a private tutor, but he supplemented this slender foundation with extensive study and reading both in and out of the law and acquired an equipment such as few men have. He was by nature a student and he looked upon the law as a science, not as a genteel trade. Before coming to the bench of the State he had acquired a leadership at the bar and his services had been in demand in many of the counties of the State as an attorney. His experience as a Judge and as Chief Judge of the Supreme Court further equipped him for judicial service and to this was added such knowledge and discipline as came to him as United States Senator. He was born the same year as Daniel Webster and was elected to the Senate in 1830—the year that Webster made his immortal reply to Hayne. Webster, Clay, Calhoun and Benton were his associates in this body and he shared with the two former the Whig leadership in the Senate. Both these great men regarded Judge Prentiss as the best lawyer in the Senate. He made here a notable speech on the bankruptcy bill of 1840, which Calhoun declared to be the clearest and most unanswerable argument on a debatable question which he had heard for years. He introduced the bill to suppress duelling in the District of Columbia, and offered the resolutions of the State Legislature for the abolition of slavery in the District of Columbia and against the annexation of Texas. Several of his speeches on different subjects went into the reading books as American classics and are fine examples of eloquence and logic. As a lawyer he was profoundly learned and this learning extended to the Roman law as well as the common law. Chancellor Kent said of him that he could not help regarding him as the best jurist in New England. This was a very high compliment, coming as it did from such a source and at a time when Justice Story was in the height of his judicial fame. His penetrating judgment, his power of analysis, his habit of sifting and of classification, together with his faculty of luminous statement and his resolute unrightness, combined to render him a model Judge. It is said that none of his decisions while on the Supreme Court bench have been overruled. There is reason for believing that Judge Prentiss could have had a seat on the Supreme Court of the United States, but preferred the Vermont judgeship because his duties were so near home. He used to sit with Justice Nelson of that court when the latter came to Vermont to hold Circuit Court, as was the custom of that day, Judge Nelson being assigned to this circuit. It is of great interest that Judge Nelson came to Vermont to procure his collegiate education. He graduated at Middlebury College in 1813. He was born at Hebron, N. Y., and was admitted to the bar of that State in 1817. He was early appointed to a judicial office and became Chief Justice of the Supreme Court of New York. In 1845 he was appointed to the

Supreme Bench of the United States and held this place until his resignation in 1872, at the age of eighty, his judicial career having covered nearly half a century—a service without a parellel in the history of jurisprudence. Mr. Phelps, who was the greatest biographer of the bar we have ever had, says that for the daily administration of human justice, year in and out, in great matters and small, if there ever was a better court he did not know where it sat than that presided over by these Judges. His vivid picture of the two men is most interesting. He says they were entirely unlike. Judge Nelson was not a great lawyer, but a good one. He had a large judicial experience, natural judicial qualities, great practical sagacity, a strong sense of justice, and the moral courage of a lion. He was a great presiding magistrate, one of the best that sat upon the bench in his day, not because he was a great lawyer, but because he was a great magistrate and had sway over the proceedings of the court for good; there was a moral power and dignity about it that was salutary not only on the business before the court, but upon the individuals who were in attendance. In this court Nelson carried the sword and Prentiss the scales, scales that hung upon a diamond pivot, fit to weigh the tenth part of a hair. When he held up the scales he not only weighed accurately, but everybody saw that he weighed accurately. But modesty, distrust of himself, fear lest he should go too far or fast retarded his judicial convictions. Nelson always took care to assure himself from Judge Prentiss that he was right, then the sword in his hand became "the sword of the Lord and of Gideon," and when a decision was reached it was put in force without delay or debate or recall, and so it was that the court became like the shadow of a great rock in a weary land. It was a terror to the evil doer and a prompt protection to the just. It was difficult to bring Judge Prentiss to a decision without the assistance of Judge Nelson, and this element in his nature, his modesty, kept Judge Prentiss from going to New York to attend to the Federal matters there that have usually received the attention of the Vermont Federal Judges. In this he did himself injustice. He was often urged to go, but his extreme modesty kept him from so doing. He was a man of rare and fine powers, of complete attainments in jurisprudence, a student and thinker, conservative in all his opinions, conscientious to the last degree, thoughtful of others, a Christian gentleman in the largest sense, whose life was spent in the careful discharge of duty without thought of self.

Judge Prentiss married in 1804 Lucretia Houghton of Northfield, a woman of unusual powers of mind and strength of character, who bore most of the family cares during the Judge's busy life. She had twelve children, of whom ten were boys, and all who lived to reach manhood became lawyers.

DAVID A. SMALLEY

1809-1877

David A. Smalley of Burlington, fifth United States District Judge for Vermont, was born at Middlebury, November 6, 1809. He died at Burlington, March 10, 1877. His father was Zara Smalley, who moved to St. Albans from Middlebury while the son was a child. At the former place Judge Smalley acquired his education in the common schools and at the academy. Choosing the law as a profession he entered the office of Smalley and Adams at St. Albans as a student and was admitted to the bar in that county in April, 1831. Benjamin H. Smalley, the senior member of the firm, was his uncle. From 1832 to 1836 Judge Smalley practiced in Jericho and at the same time discharged the duties of Postmaster at that place. In the latter year he moved to Lowell, Mass., but remained but a few months when he returned to Burlington, which became his permanent home. He was successful in his practice and soon won a position of leadership at the bar. He likewise became greatly interested in politics and like Stephen A. Douglas was an ardent follower of General Jackson. In 1842 he was elected a Senator from Chittenden county; in 1844 was admitted as a practitioner in the United States Supreme Court; in 1847 was made chairman of the State Democratic Committee, and attended the National Democratic Conventions of 1844, 1848, 1852 and 1856. In the latter convention he was made a member of the national committee and by it was chosen as chairman. He was a friend of Stephen A. Douglas and of President Franklin Pierce. The latter tendered him the appointments of Minister to Spain, Russia and Austria, and the Solicitorship of the Treasury, successively, all of which were declined for the reason that he did not care to give up his large and lucrative law practice said to have been the largest in the State. He was one of the originators of the Rutland and Burlington Railroad Company, also a director and legal counsellor. From 1856 to 1863 he owned all its stock and controlled the corporation. He was Collector of Customs from 1853 to 1857. In 1856 his remarkable powers of organization were employed in behalf of the election of James Buchanan to the presidency. The result was due in no small measure to Judge Smalley's sagacity and zeal. In January, 1857, he accepted the office of District Judge, which he held until 1877, when he was succeeded by Judge Hoyt H. Wheeler, he having tendered his resignation in February of that year to take effect from the appointment of his successor. A paralytic stroke impaired his physical powers in July, 1874. In consequence of this affliction Congress passed an act in February, 1875, authorizing him to retire from labor and continuing his salary. Partial restoration to health

induced him to decline the proffered privilege. Judge Smalley took strong ground in favor of the Constitution and against those who were illegally dealing in slaves and those who had levied war against the Government. The patriotic position which he took in both classes of cases in his charges to the grand juries in New York, coming as they did from a pronounced and eminent Democratic Judge, gave him great influence and the effect was immediate and decided. After Fort Sumter was fired on he had occasion to define to a grand jury in New York what constituted treason and he did it in such emphatic and positive terms that the effect was electric. It crystalized the chaotic sentiments of Unionists into definite and solid opinions and evidenced the fact that partisan distinctions were swept away in the presence of danger to the Union. Coming from a jurist of his political antecedents it had the greater force. Lincoln warmly thanked him for his action and congratulated the country that in such a fearful crisis it was blessed with so fearless and independent a Judge, and the Northern press of both political parties generally commended the charge.

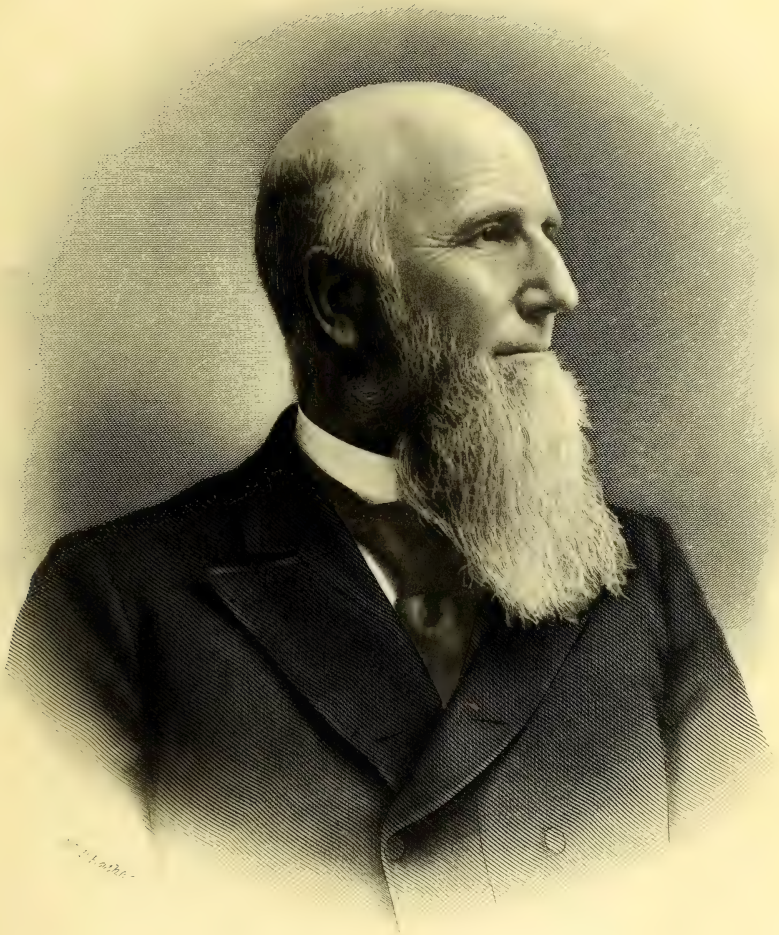
HOYT H. WHEELER

1833-1906

The sixth appointee to the office of District Judge was Hoyt H. Wheeler of Jamaica and Brattleboro. He was born at Chesterfield, N. H., August 30, 1833, and died at Brattleboro, November 19, 1906. Judge Wheeler was one of the great Judges and he combined the learning of Prentiss with the practical wisdom of Paine. His education was obtained in the common schools of Chesterfield, at Chesterfield Academy and in select schools in Williamsville. Several of the earlier Judges from Windham county were college graduates, but beginning with Judge Wheeler none of the men of Windham county birth, or residence when called to the bench, were graduates of higher institutions of learning and but one of these attended college at all. There are ten in the list, including Judge Wheeler. The others are Judge Tyler, Judge Waterman, Justice Watson, Judge Butler, Judge Robb, Judge Orion M. Barber, Judge Martin, Judge Fish and Judge Chase. The most that can be said about this rather remarkable coincidence is that it happened so, and why it happened so is explainable on the theory that these men came from the humble walks of life and were not very near any collegiate institution. It is no argument against a college education. Indeed such of the Judges as had children were prompt to send them to college as soon as they were fitted to enter. Judge Wheeler had no children. When Judge Wheeler

HOYT H. WHEELER

Born in Chesterfield, N. H., August 30, 1833. He was educated in common and select schools and at Chesterfield Academy. At the age of sixteen he removed to Newfane, Vt., where he taught school and studied law. He was admitted to the bar in 1859 and formed a law partnership in the town of Jamaica. Here he built up a large practice. In 1867 he was elected to the Legislature to represent Jamaica and in 1879 he was chosen State Senator. During that year he was elected to the Supreme Court bench, a position which he held until 1877, when President Hayes appointed him Judge of the United States Court for the District of Vermont. In his later years he resided in Brattleboro. He received the honorary degree of LL. D. from the University of Vermont. He was interested in antiquarian and historical subjects. Judge Wheeler died November 19, 1906.



Lloyd B. Wheeler

was sixteen years of age his parents moved to Newfane and took up their residence on a farm which his father purchased on Newfane Hill. This was near where the old village was located which was the county seat from 1790 until 1825, with court house, jail and whipping post. The county buildings were removed to Fayetteville, now Newfane, in the valley below in the latter year. Judge Wheeler taught several terms of district schools in Vermont and in New Hampshire and was for a time preceptor of the Chesterfield Academy. In 1855 he commenced the study of law in the office of Charles K. Field at Williamsville in the town of Newfane, and completed his studies with Bradley and Kellogg at Brattleboro. His tutors quickened in their student a love of the law and he developed rapidly under their instruction and soon gave more than ordinary promise. His awakening was a surprise to himself no less than to his friends. He once told me that when he commenced to study law he did not expect to become anything more than a very ordinary lawyer. He was admitted to the bar at Newfane at the September term, 1859. He remained until December, 1859, with Bradley and Kellogg and then formed a partnership with John E. Butler of Jamaica which lasted until the death of Mr. Butler in May, 1867. After the death of Mr. Butler, Judge Wheeler formed a partnership with Lavant M. Read, which lasted until the election of Judge Wheeler to the Supreme Court bench at the October session of the Legislature in 1869. Two years before he had been elected to the House as the Representative from Jamaica and was at the time of his election to the bench one of the Senators from Windham county. During his practice he had acquired a large clientage and on his retirement to take up the duties of a Judge he had twenty-five cases on the Supreme Court docket for trial at the February term, 1870. His appointment to the Federal bench was made on March 16, 1877, and he resigned as a Judge of the Supreme Court on March 31, 1877. Judge Wheeler could have had a place in the United States Circuit Court in 1891 if he had been willing to indicate that he would accept it if tendered to him, but this he declined to do and reserved the right to decide if the place was tendered to him. The situation from a political standpoint was such that this attitude was inconsistent with party purposes and the place was given to another. As a Judge of the Federal Court he attended to all the business of both the District and Circuit Courts in this district after the first two or three years. He was frequently called to New York and other places in the circuit under the provisions of the Federal statute for some months each year. He sat with the United States Court of Appeals, presided at jury trials, heard court and equity cases, including numerous patent cases, some of which attracted wide public attention. Some of the most eminent patent lawyers in the country were employed in these cases, but Judge Wheeler had a happy

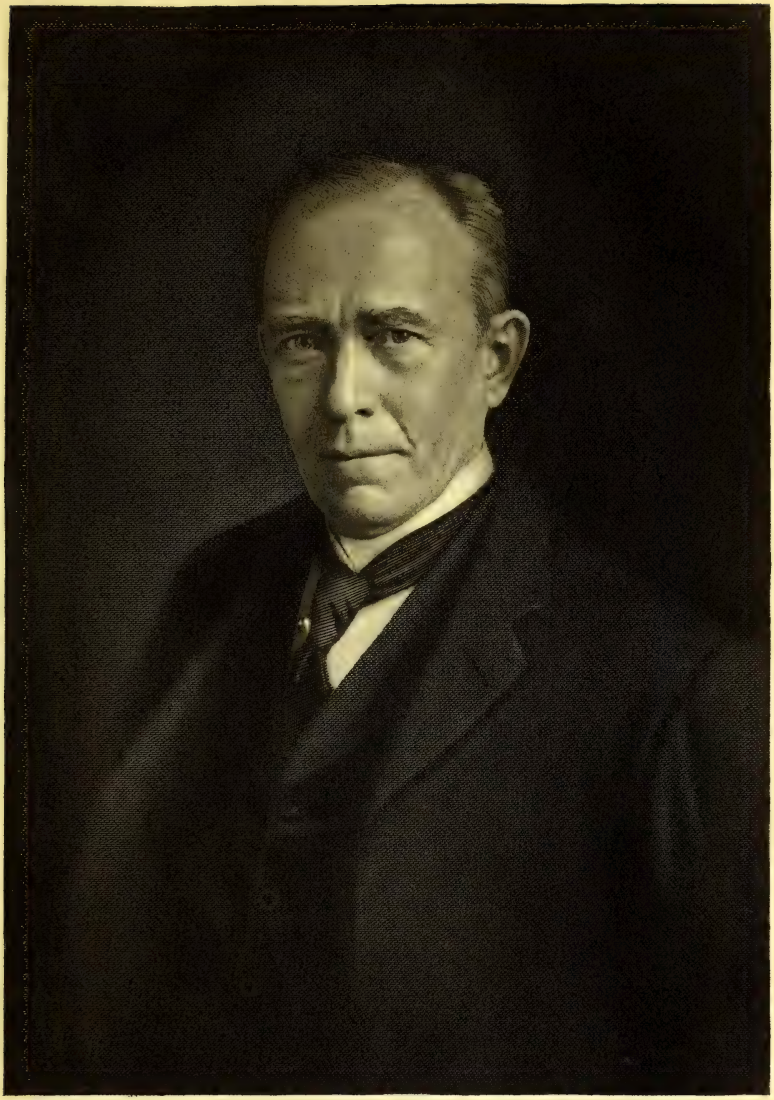
faculty of simplifying such cases and of bringing the whole matter down to a practical basis for disposition.

Judge Wheeler was an ideal Judge. When he came to the bench there was but one lawyer in Windham county who was considered his equal at the bar and that was Mr. Davenport. The latter ranked among the greatest of Vermont lawyers in his ability to present his case before the court or jury, but his viewpoint of the law and that of Judge Wheeler were quite different. It was said of Mr. Davenport that he was not a great student of the law, but relied upon his powerful presentation of his case. It was not so with Judge Wheeler; the law to him was a science and its principles and precedents were a religion with him. This is not saying that he ever gave up anything that the skill of an artful pleader could defend. In this department of the law—pleading—he was the acknowledged leader of the bar. His early lessons from Mr. Bradley, an accomplished pleader and a great lawyer, had been in this direction and he had learned even to "better his instruction." So he was sure to put on paper his own claims of his clients' rights in accurate and comprehensive terms well understood in the law and to answer the claims of the other side with equal skill and effect. If this called for the most technical of pleading, this he was equal to, and he could draw a plea in abatement that even Judge Barrett, the most subtle of the old Judges, could not "drive a chariot and four" through. He was not eloquent like Mr. Davenport, he lacked his majestic stride in the court room, his magnetic voice, and it should be said, his rather domineering manner, but in a quieter way he took care of his clients' rights, argued his points forcefully and logically, with the light of many homely practical illustrations, kept always within the evidence and spoke convincingly to the point. The result was that he got his share of the verdicts and drew many clients about him. His temperament was always judicial and his elevation to the bench a natural result of events. He was equally at home whether presiding at *nisi prius,* sitting with the Supreme Court or writing opinions. He was happily unlike some of the other Judges of his day in his tempermental adaptation to the work. It was his to be calm, patient, thoughtful, kindly, attributes that not all Judges possess.

It created a little surprise in political circles when President Hayes appointed Judge Wheeler to the Federal bench. The appointment had not been sought and it was as much a surprise to the Judge as to the public. It was not unnatural that the choice should have fallen to him, for in learning, experience and temperament he answered every requirement. There was a further reason why, from a personal point of view, he should have been the appointee. President Hayes had an uncle living at Newfane, Austin Birchard, whom he had visited at times and had thus come to know Windham county

CHARLES A. PROUTY

Born in Newport, Vt., October 9, 1853. He was educated in the public schools at St. Johnsbury Academy, and graduated from Dartmouth College at the head of the class of 1875. He excelled in mathematics and astronomy and after graduation secured a situation as assistant to Prof. S. P. Langley in the Alleghany Observatory. As the confinement of the work impaired his health, he returned to Newport, studied law and was admitted to the bar in 1877. He was State's Attorney of Orleans county for two terms and in 1888 represented Newport in the Legislature. He was a delegate to the Republican National Convention of 1896. As attorney for the Central Vermont Railway and general counsel for the Rutland Railroad, he became thoroughly familiar with railroad management. In 1896 he was appointed to succeed Judge W. G. Veazey as a member of the Interstate Commerce Commission. In this capacity he served many years and won a national reputation. Later he was made director of the valuation of railways. He was twice a candidate for United States Senator. He was owner of the Newport Electric Light Company and president of the Orleans Trust Company and the Bradford Electric Light Company. He married Abbie Davis of Lyndonville in 1877. Two sons, Ward and John A. Prouty, were born to them. Mr. Prouty died July 8, 1921.



and to have an interest in it and in Newfane. This was the place to which Judge Wheeler had come when a boy, where he had gone to school, taught school, studied law, practiced before the County and Supreme Court, and presided as Judge. He had, moreover, a sister who lived here to whom he paid frequent visits, and he was almost regarded as a Newfane man. It was said, too, at the time that Senator Edmunds had a high opinion of Judge Wheeler and favored his appointment. It would seem as though this must have been the case or he would not have been appointed.

As District Judge he had a long and honorable career. He was esteemed in Vermont as few men have been, and he enjoyed the confidence and respect of the bar of New York. He was an admirable magistrate when presiding in jury trials. His charges were brief and to the point, plain and in harmony with the understanding of the jury, and without making it to appear to those who looked on, he was all the time directing the case with a strong, firm hand toward a right conclusion. His written opinions and decisions were concise, strong, profound. He used fewer words than most lawyers use because he was more fortunate than most men in the use of language. He thought, too, with more readiness than most others and acquired and retained knowledge with wonderful ease. He told me that he saw things in pictures. These were so photographed on his mind that their reproduction was simple. Sometimes when the jury wanted to know the evidence and no stenographer had been present to take down the testimony the Judge would recite it to the jury as it had been given by the witnesses, taking them up in their order and telling just what each one had said. For his own use he did not care to have the cases reported, and in jury trials did not rely much on a stenographer. Late in life I heard him testify in a land case. He was an admirable surveyor and had run around the piece of land in question and was called as a witness. He had no notes before him and referred to no data. He stated the variations in the magnetic needle from the time of a former survey and beginning at a given place he gave from memory all the distances and angles to the end of all the courses. He made it a business to keep up with such Federal opinions as bore upon his own work by careful examination of them when they came out, and relied upon his memory of them when he had occasion to refer to them in making rulings. He could cite the case, the volume in which it could be found and give from memory the principles involved. Although as a lawyer he was technical and close, claiming every advantage the law gave his client, yet when he became a Judge he cast aside all technicalities and ignored what he had considered permissible as impediments or obstacles in the progress of the law when in practice.

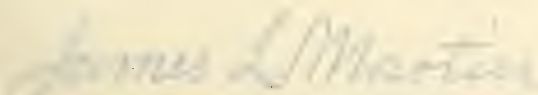
Judge Wheeler was an antiquarian of considerable note, and the acknowledged authority on local historical matters. He was the best posted of anyone in his part of the State about the men who had lived there in the olden time. He wrote not a few articles for the press, but usually modestly refrained from using his name in connection with his writings. Some of his work can be found, fortunately, among the proceedings of the Bar Association. One of his articles is on the early courts of Vermont and another on William C. Bradley.

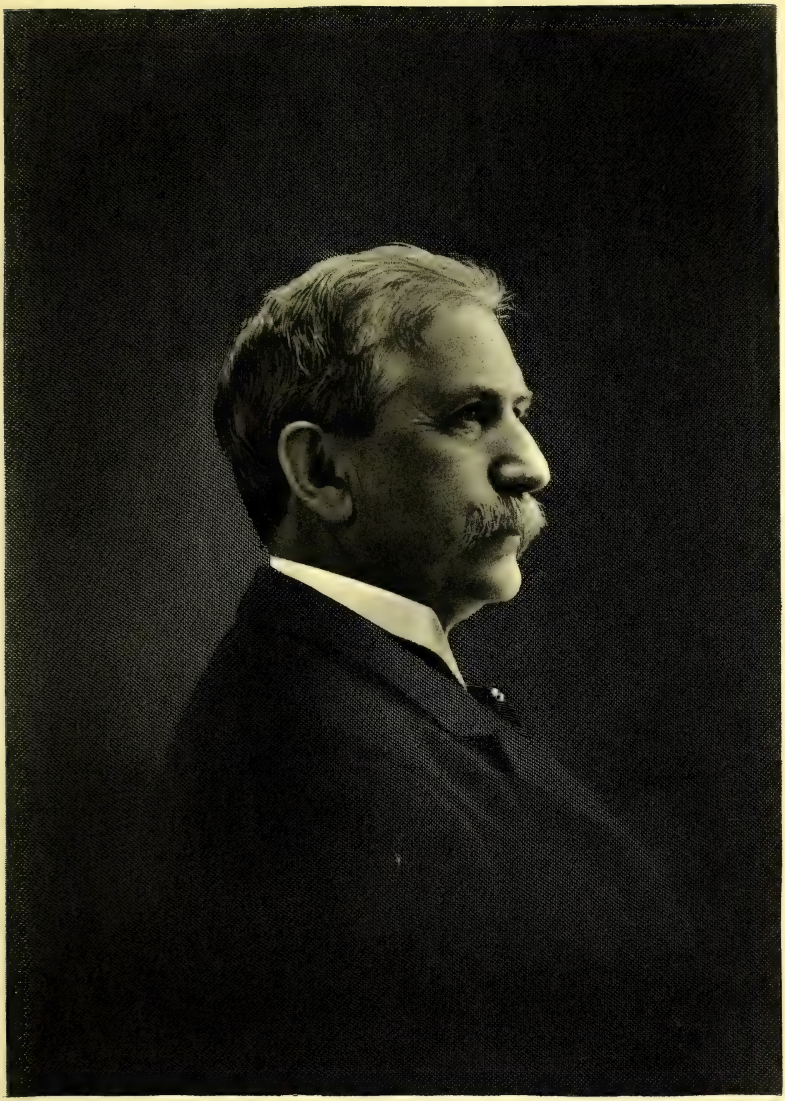
The University of Vermont conferred on him the honorary degree of Doctor of Laws. He moved from Jamaica to Brattleboro soon after his appointment as District Judge and resided there the rest of his life. He took an active part in public affairs and contributed his share to public objects. He was a regular attendant upon church worship and stood for all that was good in his community. He was happily married to a lady of fine mind and many accomplishments who preceded him to the grave. The tribute which he caused to be carved upon enduring stone over her grave is characteristic. These simple words tell the story of her life: "Beautifully she lived."

Judge Wheeler was a large, finely-proportioned man, about six feet tall, square shouldered and erect, dignified and deliberate in everything he did. These attributes were present at all times whether he was on or off the bench. Nothing could change his demeanor in this regard. He was the picture of health, and perfect habits accompanied with a constitution such as was his, seemed to assure very long life. He had seen, as he told me, six generations of his own family by going back as he did to his great-grandmother, who remembered the events of the American Revolution, and whom the Judge as a child remembered, and coming down through his sister's family to the third generation, and said he expected to see the seventh generation. The great ages to which most of his ancestors had lived justified such a conclusion, and no doubt after carefully considering all this data he confidently relied on a goodly number of years to be set apart for "reflection and repose" at the close of his judicial labors, such years as William C. Bradley had looked forward to and enjoyed as Judge Wheeler tells us in his sketch of the "Great Commoner." But following the death of his wife in 1904 symptoms of Bright's disease developed, from which he died two years later. He had previously resigned his office.

JAMES L. MARTIN

Born in Landgrove, September 13, 1846. He studied in South Londonderry and Marlow (N. H.) Academies, taught school, studied law in the office of Hoyt H. Wheeler and in the Albany (N. Y.) Law School, graduating from that institution in 1869. He practiced law in Londonderry until 1882, when he removed to Brattleboro. From 1874 to 1884 he represented Londonderry in the Legislature and for six years he was Speaker of the House. In 1892 he represented Brattleboro in the General Assembly. In 1896 President McKinley appointed him United States' Attorney for the District of Vermont, and he was reappointed in 1902 and 1906. In the last-named year he was appointed United States' District Judge to succeed Hon. Hoyt H. Wheeler. He presided at New York in the sugar fraud and Danbury hatters' cases. In 1869 he married Delia E. Howard, who died in 1881. In 1884 he married Jessie L. Dewey of Montpelier, and three daughters were born to them: Margaret S., Helen R., and Katherine G. Martin. He was a director of the Vermont Mutual Fire Insurance Company and the National Life Insurance Company. He died January 14, 1915.





James L. Martin.

JAMES L. MARTIN

1846-1915

James L. Martin of Brattleboro, from October 13, 1906 until his death, January 14, 1915, was the seventh Federal Judge. He was born at Landgrove in Bennington county, September 13, 1846, and was educated in the public schools and in the South Londonderry Academy and Marlow Academy (N. H.), where he afterwards taught. He also taught in the public schools of Londonderry and Winhall; he studied law in the office of Judge Hoyt H. Wheeler at Jamaica and graduated from the Albany Law School in 1869. He was admitted to the Bennington county bar in June of that year and practiced in Londonderry from the time of his admission until 1882, when he moved to Brattleboro where he was at first a partner of Jonathan G. Eddy and afterwards of Judge Eleazer L. Waterman and for a time of Judge Waterman and George B. Hitt. He continued practice until he was appointed Judge to succeed Judge Wheeler. In 1874 he was the representative of Londonderry in the Legislature and for ten years thereafter he continued to hold that office and during the last six years of the time was Speaker of the House. In 1892 he represented Brattleboro in the same body, declining to be a candidate for Speaker but serving as chairman of the Judiciary Committee. In 1898 he was appointed by President McKinley United States District Attorney for Vermont and was re-appointed by President Roosevelt in 1902 and again in 1906; he was holding this position when he was appointed to the bench. Judge Martin presided at many important trials, among them being the sugar cases. The trial of these cases involved questions of fraud which were hotly contested and the trials were of long duration; they focused national attention upon Judge Martin; convictions were secured against all but one of the respondents, of whom there were many, and all the convictions were sustained on appeal because of the fairness and ability shown by Judge Martin in the trial of the causes. He presided at many other important trials in New York, where much of his work as Judge was performed; he also tried the celebrated Danbury Hatters case at Hartford (Conn.), where damages of two hundred and fifty thousand dollars were awarded by a jury under the anti-trust act of 1890 in a suit charging conspiracy in restraint of trade. This case was afterwards fully sustained by the United States Supreme Court. The work of Judge Martin in New York gave him a high standing as a trial Judge throughout the country. He died suddenly while on his way to take a train at Montpelier.

If Judge Martin was not a great lawyer he was a good one and he lived a life of great usefulness both before and after he came

to the bench. He and Judge Wheeler were opposites in almost every way, but the elder man came to admire the younger one in the relations which they bore to each other as Judge and United States District Attorney and Judge Wheeler was glad to see Mr. Martin appointed as his successor. It was felt at the time by those that did not know Mr. Martin intimately that the appointment was a mistake, as it was feared that he lacked the judicial temperament and the profound knowledge of the law that the place required. But his discharge of the duties of his office convinced everyone that these objections were not well taken and the profession mourned the loss of a good Judge no less than a good citizen and friend when he was suddenly taken from among them.

Judge Martin did not have many early advantages. Had he enjoyed the culture and environment which are the part of the early experience of some men he might have had a very distinguished career. As it was he always acquitted himself well and he enjoyed a measure of success that falls to but few. He was not what would be called a studious lawyer; he lacked the disposition to search for the law for the law's sake but rather looked for authorities and cases that bore on the case at hand. His intuitions were remarkable and his mental alertness very uncommon. He could see the point sooner than others and could state it in fewer words. He had great gifts as a public speaker and this talent brought him rapidly to the front as a young man. His arguments to the jury were persuasive and convincing and he was very sure to win his case if he was on the right side and very apt to do so if he was on the wrong side if he had an opponent who had bungled his case in putting it in or in arguing it. He knew human nature thoroughly and sympathetically and was certain to know the human side of every case and how it would appeal to the jury—a gift that the successful trial lawyer must have. He was a rare Speaker of the House. It was a fine tribute to him that he should have been called so many times to represent his town in that body and a great compliment that he should have been so many times its Speaker. Here his mental quickness and his knowledge of men made him an ideal presiding officer, and his dispatch of the business of the office saved the State many a dollar, for he had a way of moving the business along with fewer words and with more rapidity than anyone who has sat in the Speaker's chair.

When Judge Martin moved to Brattleboro he was not very well known among those who were in need of a lawyer there and did not acquire a large practice until after he had been there a few years. The firm of Waterman & Martin, and the firm of Waterman, Martin & Hitt became the leading one in Windham county and a very large business came to the office. In this Judge Martin did his share and

was specially active in the work in County Court. His appointment as United States District Attorney came because President McKinley personally desired it, and he discharged its duties with fidelity and ability. As a Judge he took up the work of his new place on the human side and made his court a comfortable tribunal in which men could work and justice be administered; he presided naturally, fairly, ably. Counsel liked to try cases before him for they knew they would receive fair treatment.

HARLAND B. HOWE

1873-

Harland Bradley Howe of Burlington, eighth Federal Judge, son of Worcester C. and Rosaline (Bradley) Howe, was born on a farm in St. Johnsbury, Vt., February 19, 1873. In 1886 his father, who was a harness maker by trade, moved from the farm to Lyndonville and opened a harness shop. Judge Howe attended the graded schools and learned the harness makers' trade of his father, and later took a commercial course at Lyndon Institute. At his mother's earnest solicitation he commenced reading law with George W. Cahoon of Lyndon. In October, 1891, he entered the law department of the University of Michigan and remained there one year, but, being out of funds, he could not return to the University the next year, and entered the office of Henry C. Ide of St. Johnsbury, as an assistant, where he earned money enough that year to return to the University in October, 1893, completing the course and graduating in 1894 with the degree of LL. B., having paid all of his expenses at the University from his own earnings as a harness maker, buying and selling eggs, and running a collection agency. He was admitted to the Vermont bar in October, 1894, and commenced practice in St. Johnsbury on the first of November following.

He is a Democrat, represented St. Johnsbury in the Legislature in 1908, and was the Democratic candidate for Governor in 1912 and again in 1914. On the 19th of February, 1915, he was appointed United States District Judge for Vermont.

In 1900 he married Maybelle Jane Kelsey of St. Johnsbury, who died at St. Johnsbury. There are four daughters, Josephine, Barbara, Matilda and Harriet.

When the conspiracy case of the United States of America vs. The Hamburg-American Line and others was ready for trial in the United States District Court for the Southern District of New York Judge Howe was called suddenly to preside. This was the case where the German steamship line and certain Germans were charged with

obtaining clearance papers by false manifests. These clearances were obtained for vessels chartered to carry coal and other articles to the German war vessels on the high seas. The question was one of fraud. The trial attracted international attention. Counsel on both sides had spent months in preparation and no less than two hundred and twenty-nine requests to charge were made in behalf of the respondents. Judge Howe tried the case with marked ability, and his conduct of the trial was the subject of much favorable comment by the city press. All the respondents were convicted.

During the World War Judge Howe presided in several cases where ministers of the Gospel who were pacifists were respondents. Where convictions were obtained in these cases he imposed long sentences, but he was among the first when the war was over to ask for the pardon of the men.

THE JUDGES OF THE SUPREME AND OTHER STATE COURTS

MOSES ROBINSON

1741-1813

THE first of the Vermont Judges of the higher courts was Moses Robinson of Bennington. He was technically a Judge of the Superior Court as were also John Shepardson, John Fassett, Jr., Thomas Chandler, Jr., John Throop, Paul Spooner, Increase Moseley, Elisha Payne and Jonas Fay. But from 1778 to 1782 the Superior Court, so called by the Legislature, was in fact the Supreme Court of the State and the Judges named were Supreme Court Judges. This is at least regarded as the better classification, and it will be followed in this chapter. On the organization of the Superior Court in 1778 Moses Robinson was elected the Chief Judge. He was born at Hardwick, Mass., March 26, 1741, and died at Bennington, May 26, 1813. He continued as Chief Judge of the Superior Court until 1782, when the Supreme Court being established he was elected Chief Judge of that court. He was not elected in 1784, but was re-elected in 1785 and continued to hold the position of Chief Judge until 1789, when he was elected Governor. He was in the secret of the Haldimand negotiations and was the shrewd adviser of the fathers although he was a Judge. In 1782 he was sent to the Continental Congress as agent of Vermont, and he was one of the commissioners that adjusted the controversy with the State of New York. In 1791 he and Stephen R. Bradley were chosen the first United States Senators for Vermont and Judge Robinson served as Senator until 1796, when, being in a minority in respect to his political views, he resigned. In the Senate he opposed the Jay treaty and was instrumental in procuring its condemnation by meetings held in Bennington town and county, called in connection with similar demonstrations in other parts of the country for the purpose of getting support for withholding the necessary appropriations to carry the treaty into effect. After his retirement from the Senate, in 1802, he represented Bennington in the General Assembly. This was the close of his public career. He was not a lawyer and his public career began with military service which was the common experience of the leading men of his day. He commanded a regiment of militia and was with it at Mount Independence, opposite Ticonderoga, on the evacuation of the fort by General St. Clair. He was a man of culture, force and piety, and his sunset days were filled with hope and beauty. He induced Jefferson and Madison, who were

in Bennington on a Sunday during the year 1791, so goes the story, to attend church with him, and he tried to get from them an opinion as to the quality of the music they had heard as compared with the music they were accustomed to hear in the church services they attended when at home, but both declined to give an opinion for the reason that neither had attended church for several years. Judge Robinson married for his first wife a daughter of Stephen Fay and from this union were born six sons, several of whom became office holders and men of influence in the community. Dartmouth College conferred on him the honorary degree of Master of Arts.

JOHN SHEPARDSON

1729-1802

John Shepardson was born in Attleboro, Mass., February 16, 1729, and died at Guilford, January 3, 1802. He was one of the first men to come to Guilford after its early settlement and at the first recorded town meeting, held May 17, 1772, he was elected Clerk. When the new State was organized he was one of the leaders of the cause of Vermont against New York. He was elected in 1778 and again in 1779 second Judge of the Superior Court and attended the session of court held at Westminster in May, 1779. This was a stormy session where a conflict of authority between Vermont and New York having arisen over the drafting of men for the Vermont militia and the question having come to court on the arrest and trial of several respondents of the respective rights of the State and the prisoners, Ethan Allen appeared with a hundred men under order from Governor Chittenden to remain during the sitting of the court to see that the Vermont law was respected. Noah Smith had been appointed State's Attorney and Stephen R. Bradley was acting as counsel for the respondents who were charged with offences growing out of violations of the act in question. Bradley had succeeded in getting some of the men released and the trial as to certain others was about to proceed when Allen entered the court room accoutred in his military dress, with a large cocked hat on his head profusely ornamented with gold lace, and a sword of fabulous dimensions dangling at his side. He addressed Chief Judge Robinson, his friend, and commenced a furious tirade against the State's Attorney and the attorney for the respondents. He was promptly called to order and informed that the court would gladly listen to his remarks as a private citizen but not as a soldier. He thereupon threw his chapeau on the table, unbuckled his sword and laid it aside with a flourish and turning to the Judges exclaimed in a voice like a Stentor:

"For forms of government let fools contest,
Whate'er is best administered is best."

Then he proceeded: "Fifty miles I have come through the woods with my brave men, to support the civil with the military arm; to quell any disturbances should they arise, and to aid the Sheriff and the court in prosecuting these Yorkers—the enemies of our noble State. I see, however, that some of them, by the quirks of this artful lawyer, Bradley, are escaping from the punishment they so richly deserve, and I find also that this little Noah Smith is far from understanding his business, since he at one moment moves for a prosecution and in the next wishes to withdraw it. Let me warn your honor to be on your guard, lest these delinquents should slip through your fingers, and thus escape the reward so justly their due." When he had finished, with great dignity he replaced his hat, buckled on his sword and left the room. In this proceeding Judge Shepardson sat with Chief Judge Robinson. In December, 1783, the Yorkers attempted to capture Judge Shepardson but were unsuccessful.

JOHN FASSETT, JR.

1743-1803

John Fassett, Jr., was the son of Captain Fassett, who came to Bennington in 1761, became an innholder and Captain of the first military company formed in town and was the town's first Representative to the Vermont Legislature. Judge Fassett was born in Hardwick, Mass., June 3, 1743. He was a Lieutenant in Warner's first regiment in 1775 and Captain in Warner's second regiment in 1776. In 1777 he was one of the Commissioners of Sequestration, and with Governor Chittenden and Matthew Lyon was successful in subduing the Tories of Arlington. He moved to Arlington about this time and represented the town in the General Assembly in 1778 and 1779 and Cambridge in 1787, 1788, 1790 and 1791. He was also elected Councilor in 1779, 1787, 1788, 1790 and 1791. He served in each office portions of the time. He was a member of the Council in 1779 and until 1795, with the exception of 1786, fifteen years. He was Judge of the Superior Court from 1778 to 1782 and of the Supreme Court from 1782 until 1786 and Chief Judge of the Chittenden County Court from 1787 to 1794. In 1781 he was one of the committee to issue bills of credit for the State of Vermont. In 1784 he removed to Cambridge where he was one of the proprietors of the town; he was a member of the Board of War and one of the committee of the council "to make a draft of the political affairs of the

State." He was the only Judge of the Superior Court elected in the first instance at each of the four elections and served during the existence of that court and in the Supreme Court until 1786. He had the singular distinction of holding the position of Councilor, member of the House and Judge of the highest court at the same time and for many years. On the military side of his life, as Captain in Colonel Warner's Continental regiment, in the summer of 1776 he was stationed in command of a few men at a block fort in Jericho, on the Winooski River. Matthew Lyon was Lieutenant in the same company. The fort was abandoned on the approach of the British army from Canada. It was claimed by the officers that the men deserted, but charges were made that the desertion of the men was by collusion with the officers. Fassett and Lyon were arrested on their way south at New Haven, Vt., for desertion and taken to Ticonderoga, tried by a court martial and found guilty. They were punished by being deprived of their commissions and rendered ineligible for reappointment in the Continental service. This order was subsequently reversed by General St. Clair and Lyon rendered efficient service in the Continental army thereafter. Fassett did not again enter the military service. The official career of Judge Fassett in its usefulness and character and varied forms was not excelled by any of his compeers. The latter part of his life was spent quietly in Cambridge, where he died April 2, 1803. One of his sons was a lawyer by training, but entered the regular army, and another son was surgeon of the Vermont regiment that marched against the proclamation of Governor Chittenden to Plattsburgh in 1814 to meet the British invasion.

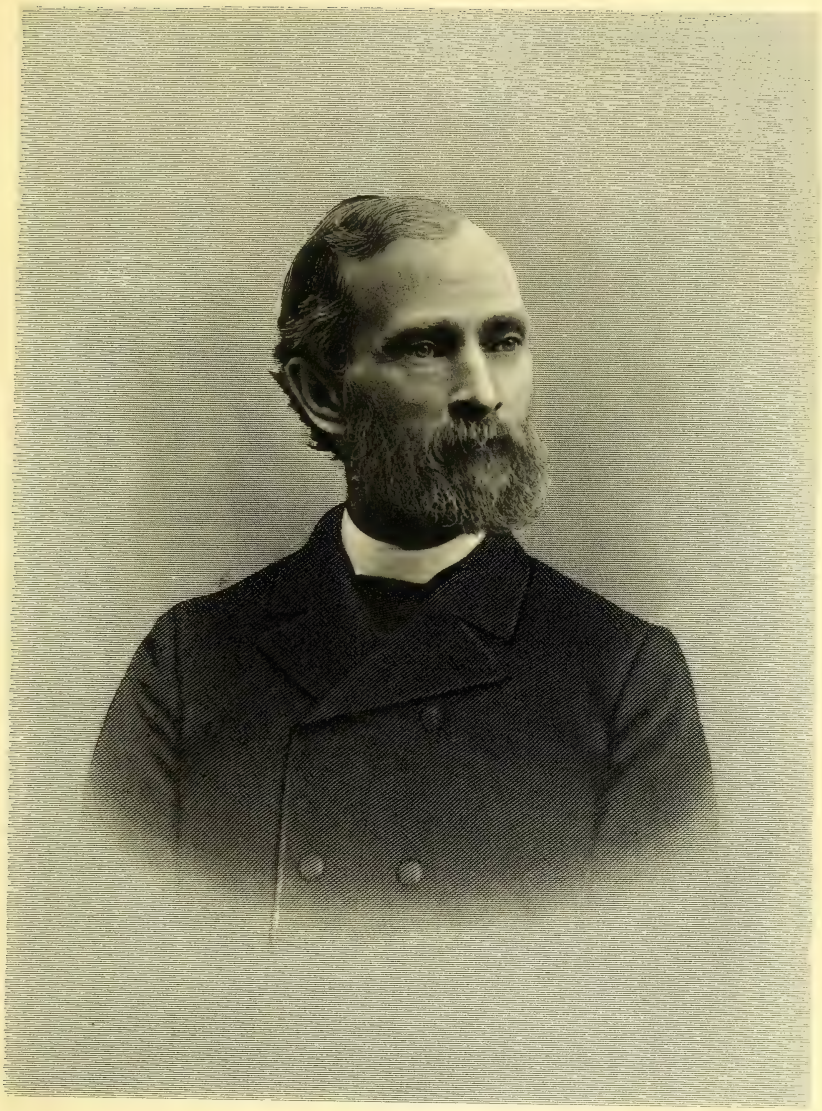
THOMAS CHANDLER, JR.

1740-1798

Thomas Chandler, Jr., came to Chester with his father in 1763, the latter being one of the proprietors of that town under New Hampshire when the town was called New Flamstead. He procured for the town another charter from New York under the name of Chester after jurisdiction had been given that colony by the crown. Thomas Jr. was born at Woodstock, Conn., October 4, 1740. He was the first Secretary of State of Vermont and for nearly three years was the Speaker of the General Assembly. For nine years, from 1766 to 1775, he was an Assistant Judge of the Inferior Court of Common Pleas under appointment from New York, but he soon afterward became active among the Vermonters, was a delegate to the Westminster Conventions held in October, 1776, and January, 1777, and was elected to the first General Assembly in 1778. Here he was make Clerk, but soon afterwards abandoned the place to become Secretary of State. He was re-elected in 1778 and in

JAMES M. TYLER

Born in Wilmington, Vt., April 27, 1835. He was educated in the common schools and Brattleboro Academy and graduated from the Albany (N. Y.) Law School in 1860. For four years he practiced law in his native town, representing Wilmington in the Legislature in 1863 and 1864. In 1864 he removed to Brattleboro. In 1867 and 1868 he was State's Attorney for Windham county. He was elected a member of Congress in 1878, serving two terms. In 1887 he was appointed to fill a vacancy on the Supreme Court bench and held the position by successive elections until 1908. In 1911 he was chosen president of the Vermont Bar Association. He has received the degree of LL. D. from the University of Vermont. He is president of the Vermont National Bank of Brattleboro. In 1861 he married Ellen P. Richardson of Brattleboro, who died in 1871. In 1875 he married Jane P. Miles of Brattleboro, who died in 1919.



James M. Tyler

1781, was a member of the Council in 1779 and 1780. He was a Commissioner of Sequestration on the estates of the Tories and was elected a Judge of the Superior Court in 1778. He resigned the speakership in the middle of the session of 1780 because of charges made against him by Captain Azariah Wright, a prominent citizen of Westminster. These charges were that he acted as an attorney for a negro while he was Speaker and that he invited the Westminster massacre by misleading the sons of liberty by writing them that his father was in their favor. Judge Chandler brought a libel suit against Captain Wright and recovered a small judgment, but the proceedings brought him into discredit politically and he sank in public favor from that time forward. He was, notwithstanding, elected a Judge of the Windsor County Court in 1786, and again represented Chester in the House in 1787, but the prejudice was so strong against him that he failed to make any further political advancement. Historians give him credit for having been an undoubted patriot during the Revolution and he exerted himself much for the patriotic cause in the town meetings in Chester. Like his father, he was a petitioner for an act of insolvency in his favor. The records of the Governor and council show this to have been in 1792 and the cause is assigned by reason of poverty from "a long series of sickness in his family." He died at Chester in poverty about 1798.

JOHN THROOP

1733-1802

John Throop of Pomfret was born in Lebanon, Conn., September 11, 1733, and died at Pomfret, January 25, 1802. He was a Judge of the Superior Court from 1778 to 1781 and from February to October in 1782. He had lived at Pomfret at least from the organization of the town in 1773. He was a delegate to the convention, June 4, 1777, held at Windsor, and to the convention that met in July and December the same year and formed the Vermont Constitution. He was chosen the Representative from Pomfret in 1778 and was a member of the Council from 1779 to 1786. In 1787-88 he again represented Pomfret in the General Assembly and was Judge of Probate from 1783 to 1792.

PAUL SPOONER

1746-1789

Dr. Paul Spooner of Hartland came to Vermont in 1768. He was a physician. He was born in Dartmouth, Mass., March 20, 1746, and was the youngest of ten children. His father, Daniel Spooner,

moved to Petersham when Paul was two years old and here he prepared for his profession. His father died at the great age of one hundred and three years. Judge Spooner appears in Vermont history as a delegate from Hartland to the convention at Westminster, called in October, 1774, to condemn the obnoxious measures of Great Britain—the tea act, Boston port bill and like measures—and was one of the committee on resolutions in that convention. He was a delegate to and secretary of the Whig convention called at Westminster in 1775 and a delegate to the "Cumberland County Congress" which met the same year and in that year was chosen one of the delegates to represent Cumberland county in the New York Provincial Congress and was re-elected the following year. He was chosen Sheriff of Cumberland county by the New York government, but declined the office because he had the week before been chosen a member of the Council of Safety in Vermont, a place to which he was re-elected five times. In 1782 he was elected Lieutenant-Governor and held that position until 1787, and in 1780 and 1782 was appointed agent from Vermont to Congress. He was elected a Judge of the Superior Court in 1779. Judge Spooner served as a Superior Judge from 1779 until 1782, though in 1781 he was left off at the election. Chief Justice Robinson was displaced at this time by Elisha Payne as chief of the court and declined to serve as an assistant. In this situation Judge Spooner was elected in his place and in 1782 became a Judge of the Supreme Court and served as such until his death, which occurred at Hartland, September 5, 1789, in the forty-fourth year of his age. He was for one year Chief Judge. This was in 1784. The following year Judge Robinson was elected Chief Judge and Judge Spooner resumed his place as first assistant. In 1781 and 1782 Judge Spooner was a Judge of the Probate Court for the District of Windsor. He was highly esteemed by his fellow citizens as appears from a notice in Spooner's *Vermont Journal,* published shortly after his decease. In this article reference is made to the "sprightliness of his genius, his candid and generous temper, his discreet and diligent application to business." It further refers to him as "a zealous promoter of learning, a great benefactor to the rising generation, and a Judge who ever aimed to administer judgment in uprightness."

INCREASE MOSELEY

1712-1795

Increase Moseley was also a physician. He was born at Norwich, Conn., May 18, 1712, and died at Clarendon, Vt., May 2, 1795. He moved to Ancient Woodbury in his native State about 1740 and came to Clarendon about 1779. He was one of the leaders in Ancient Wood-

bury and served as a Representative in the Connecticut Legislature from 1751 almost continuously until his removal to Vermont. He was Moderator of Woodbury's meeting for the relief of Boston in 1774, and a member of her revolutionary committee. He was elected Judge of the Superior Court in 1780 but served only one year, going off the bench in the election of 1781, when the New Hampshire towns were given a representation in the court. He represented Clarendon in the Legislature in 1782 and was elected Speaker. He was Chief Judge of the Rutland County Court from 1781 until 1787 and was president of the first Council of Censors in 1785.

ELISHA PAYNE

1731-1807

Elisha Payne was made Lieutenant-Governor in 1781 and at the same time was Chief Judge of the Superior Court. The next year he was one of the delegates to Congress. He appears only briefly in Vermont history and that during the continuance of the union of the Vermont towns with those of western New Hampshire. He was born at Canterbury, Conn., in February 1731, and was Colonel and Surveyor-General in colonial days in New Hampshire, and in the latter capacity was charged with the duty of preserving the pine trees reserved in all the grants of the crown for the Royal Navy. He did good service in the French War. In 1778 he appeared as a Representative of Cardigan, N. H. in the Vermont Legislature and was elected Councilor. This office he declined, for the reason that he thought he would be more useful in the House in resisting an effort which he knew would be made to dissolve the union between the New Hampshire towns and those of Vermont. He was a leader in the convention held at Charlestown, N. H. in 1781, which, with Ira Allen's assistance, resolved to ask annexation to Vermont of all that part of New Hampshire west of a line seventy miles from the sea coast instead of attempting to form another new State of that part of New Hampshire and the eastern half of Vermont, as had been originally planned. Judge Payne urged this union energetically and eloquently before the Vermont Legislature at the time it was consummated. In 1781 he was elected Lieutenant-Governor by the Legislature of Vermont, there having been no choice by the people, and at the same time was made Chief Judge of the Superior Court, and he held both offices until he ceased to be a citizen of Vermont on the dissolution of the union with the New Hampshire towns in February, 1782. He presided at one session of the court held for the county of Washington, so-called, at Charlestown, N. H., in December, 1781, which was made up of New Hampshire towns and dissolved when the union was dissolved. Judge Spooner sat with Judge Payne

at this session but no business was transacted. The winter following the election of Judge Payne to the two offices which he held in Vermont, New Hampshire started to regain by force the territory ceded to Vermont, whereupon Governor Chittenden gave orders to Judge Payne to call out the militia "to repel force by force," but the Judge, whatever his commission or authority may have been in this regard, whether by virtue of being Lieutenant-Governor or otherwise, exercised his diplomacy by at once writing President Weare of New Hampshire, to whom he stated his instructions from Governor Chittenden, but in terms so conciliatory yet firm that bloodshed was averted and peace restored. When the union was dissolved Judge Payne adhered to New Hampshire, where he resided, though his hold on the affections of the people of Vermont was such that he could have commanded high honors from this State—honors that were made impossible from New Hampshire by reason of his relation to the union which had been dissolved between the Vermont and New Hampshire towns. He died at Lebanon, July 20, 1807.

SIMEON OLCOTT

1735-1815

At the October session of the Vermont Legislature in 1781, Simeon Olcott of Charlestown, New Hampshire, was elected a Judge of the Superior Court. Judge Olcott was the first lawyer to be elected to the bench in Vermont, but as he never held court, Nathaniel Chipman stands as the first Vermont lawyer, elected a Judge who performed judicial service. Judge Olcott resigned January 28, 1782. On February 13, 1782 the Assembly elected General Samuel Fletcher of Townshend who declined and on February 16, John Throop, who had been Judge until the October previous was elected and accepted the place. Judge Olcott was born in Bolton, Conn., October 1, 1735, graduated at Yale in 1761, studied law, moved to Charlestown in 1764, was admitted as an attorney in Cumberland county, September 15, 1774, and in 1784, was appointed Chief Justice of the Court of Common Pleas in New Hampshire. In 1790 he was appointed a Judge of the New Hampshire Superior Court, of which he was made Chief Justice in 1795. He was United States Senator from New Hampshire from December 7, 1801 to March 3, 1805. He died at Charlestown, February 22, 1815. He was the first lawyer to settle in western New Hampshire.

JONAS FAY

1737-1818

Dr. Jonas Fay was the third physician to be called to serve as a Judge. He was the son of Stephen Fay who came from Hardwick, Mass., and kept the Catamount Tavern at Bennington. Doctor Fay occupied a prominent position among the early settlers and his service covers a wider field than that of any of the other fathers of the State. He was born at Hardwick, Mass., January 28, 1737. At the age of nineteen he served in the French War at Fort Edward and Lake George as clerk of a company of Massachusetts troops. In 1772 he and his father were appointed agents to inform Governor Tryon of New York of the complaints of the settlers against the government of that province and was clerk of the convention of settlers in March 1774 that resolved to defend by force Allen, Warner and others who were threatened with outlawry and death by the provincial assembly, and as clerk certified its proceedings for publication. He was surgeon in the expedition under Ethan Allen at the capture of Ticonderoga, and held a like position in Colonel Warner's regiment of that year. He was clerk of the Dorset convention in 1776 and a member of the convention which declared Vermont independent. He was chairman of the committee to draw up the declaration and petition to Congress, of which he was author. He was a member of the Governor's Council from its organization until 1785, judge of the Superior Court in 1781, and of the Supreme Court in 1782, and Judge of Probate for five years. He attended the Continental Congress at Philadelphia as the representative from Vermont from 1777 until 1782. In company with Ethan Allen he published a pamphlet at Hartford, Conn., upon the New Hampshire and New York controversy in which the respective claims to the Vermont territory were set forth. He was devoted to the calls of public duty for a period of thirty-five years. Being a man of education he was made secretary of most of the meetings of the Committee of Safety and of other conventions until after the formation of the State government. He kept his records in account books or on slips of paper and some of these have been lost. He was a man of extensive information, bold and determined in his opinions, and in action. He was, moreover, a person of agreeable personality who was on intimate terms with all the leaders of his time, among whom there appears no expression of jealousy toward him, or of feelings other than of confidence in his fidelity and capacity. He began his career as a physician and when he retired from his valuable public service he returned to the practice of his profession at Bennington, where he remained until 1800, when he removed to Charlotte. A few years later he located in Pawlet and from Pawlet returned to Bennington, where he died March 6, 1818.

PETER OLCOTT

1733-1808

Peter Olcott was born in Bolton, Conn., April 25, 1733, and died at Hanover, N. H., September 12, 1808. He was a member of the Vermont Court of Confiscation for eastern Vermont and of the court for the banishment of Tories. He was a delegate from Norwich in the convention of 1777, and a member of the convention of July and December of that year which adopted the Constitution. He commanded a regiment of militia summoned to the relief of Bennington and was employed in other military services in that region; was a member of the Governor's Council for several years, and Lieutenant-Governor from 1790 to 1794. In the latter year he declined to be a candidate longer for that office. He was elected Judge of the Supreme Court upon its organization and served until 1785. Judge Olcott is said to have been a graduate of Harvard College. Rufus Choate married Helen, a daughter of Mills Olcott, son of Judge Olcott.

THOMAS PORTER

1734-1833

Thomas Porter of Tinmouth was elected a Judge of the Supreme Court in 1783 and served until 1786. He was born in Farmington, Conn., February 14, 1734, and held local offices in that town, afterwards moving to Cornwall, Conn., where he was prominent in town affairs. For a number of years he was a member of the Connecticut Legislature. In 1779 he moved to Tinmouth, where he was elected to the General Assembly in 1780, 1781, and 1782, in each of which years he was made Speaker of the House. In 1782 he was elected to the Council and resigned as Speaker to take the new position, in which he served until 1795. He served in the British army at Lake George in 1755, and later in the Revolutionary army in behalf of the colonies. His legislative career in Connecticut and Vermont covered a period of thirty-five years. He was a farmer, and lived to become nearly a centenarian. He died at Granville, N. Y., May 30, 1833. His son, Ebenezer Porter (Dartmouth 1792), was a famous Doctor of Divinity and was President of Andover Theological Seminary.

NATHANIEL NILES

1741-1828

Nathaniel Niles of Fairlee was a clergyman and a man of varied attainments. He was born at South Kingston, R. I., April 3, 1741, and was a grandson of Samuel Niles, the famous author and minister of Braintree, Mass. He entered Harvard College where he suspended his

studies on account of ill health, but later graduated at Princeton. He commenced the study of theology but early exhibited a tendency toward independent thought and inquiry along unusual lines. He was a student of law and medicine; taught school for a while in New York City; and preached for a time at Norwich and Torrington, Conn. He was also interested in mechanical experiments and the inventor of the process of making wire from bar iron by water power. He was an ardent patriot in the Revolution and the author of an ode entitled "The American Hero," written just after the battle of Bunker Hill and set to music by Reverend Dr. Sylvanus Ripley, father of Gen. E. W. Ripley, which was almost universally sung in the churches of the Eastern States at that period and became the war song of the New England soldiers. He came to West Fairlee just after the Revolution and purchased a large tract of land. Here he preached every Sunday for twelve years in his own house. In 1784 he was elected to the Legislature and was immediately chosen speaker. He was an efficient presiding officer, being a master in parliamentary law, fair in his rulings, and expeditious in the dispatch of business. In 1784 he was elected with Moses Robinson and Ira Allen an agent to Congress to "transact and negotiate the business of this State with that body." In the same year he was elected one of the Judges of the Supreme Court and held the position until 1788. In 1785 and 1787 he was also a member of the Council, served in the Constitutional Convention in 1791 and took the lead with Chipman in securing the ratification of the Federal Constitution. Upon the admission of Vermont to the union he was elected to Congress, serving two terms from 1791 till 1795. After his term of service in the Federal Congress he again represented Fairlee in the Legislature in 1800, 1801, 1802, and in 1812, 1813 and 1814. He was again a member of the Council of Censors in 1799 and was again returned to the Governor's Council in 1803, where he served for five years until 1808, and he took a prominent part in the Constitutional Convention in 1814. With his work in the Legislature and the Constitutional Convention of 1814, Judge Niles at the age of nearly seventy-four retired from public life and passed the rest of his days until his death, October 31, 1828, at West Fairlee, being until the end among the most revered of the public men of his time. A massive granite monument, typical of his character, stands over his grave in the center of the town. Judge Niles was a voluminous writer and left a large number of sermons, addresses, essays and poems.

NATHANIEL CHIPMAN

1752-1843

We have now come to the fourteenth Judge of the higher courts and thus far have found but one man who was educated in the law, Simeon Olcott of New Hampshire, who was elected a Superior Judge in 1781 but never served. Nathaniel Chipman of Tinmouth was the first Judge to act who had a legal education. His first election was in 1786, eight years after the organization of the court. During this time twelve men who were not trained in the law had held the courts and Judge Chipman's first year of service was with four laymen Judges. In the situation in which the fathers found themselves they did the best they could in the selection of Judges. They wanted courts and to this end organized counties and these courts they wanted near at hand. They desired to see the law administered in fairness and justice by men who enjoyed their confidence and respect. There were no lawyers to fill the places on the bench when they were first created except lawyers of the crown, and had there been Vermont lawyers it is not certain that they would have been as acceptable to the fathers as the men who were chosen from the many other walks of life. The country was wild. We were at war with Great Britain and almost at war with New Hampshire on the one side and New York on the other. Several of the first Judges were military men. There was force in the selection of such men at a time when mobs gathered about the court houses and a man like Ethan Allen acted at one time as State's Attorney and at another dressed in military uniform harrangued the court and abused the counsel while a company of a hundred men stood outside to do his bidding. It was strength, calmness, and courage that were needed at such a time and not a technical knowledge of the niceties of the law. It is beyond question that the early Judges, laymen though they were, were wise in the discharge of their duties, and gave the early State good courts. The offices which they held, the relations of confidence which they bore to the people, and the high standards which they maintained in their public trusts all confirm the opinion that they were not of the ordinary citizenship but were the first and foremost leaders of the time.

Judge Chipman possessed the strong natural qualities of his laymen predecessors and immediate associates on the bench and had the advantage of being a trained lawyer besides. Then the traditions of his life were in harmony with those of his associates. He had held a commission as a Lieutenant in the patriot army in the Revolution and was at the battle of Monmouth. He had sprung from the common people in Connecticut where so many of the early Vermonters had been born, but it had been his fortune to have prepared for college and to

ALDACE F. WALKER

Born in West Rutland, Vt., May 11, 1842. He graduated from Middlebury College in 1862. He served in the Union army in the Civil War, reaching the rank of Lieutenant Colonel. At the close of the war he studied law and for several years practiced in New York City. In 1873, he returned to Rutland and built up an extensive practice. When the Interstate Commerce Commission was created, President Cleveland appointed him one of its members. He resigned in 1889 to become chairman of the Interstate Commerce Railway Association. He was also at the head of the Western Traffic Association and later one of the commissioners of the Joint Committee of the Central Traffic and Trunk Line Associations. In 1894 he was appointed one of the receivers of the Atchison Railroad and upon its reorganization, he became chairman of the board of directors and of the executive committee. He died April 12, 1901.

Aldace F. Walker

have received his degree from Yale in his fourth year there, although he entered the patriot ranks too soon to graduate.

He had an ambition that he wanted to become a lawyer, so he resigned his commission in the army and in 1779 began the study of his profession in Salisbury, Conn., was admitted to the bar and came to Vermont. He intended to locate at Bennington but settled at Tinmouth.

Before leaving Connecticut he writes his prospects to a friend:

"I have been dubbed an attorney and propose in a few days to take up my abode in the State of Vermont.*** One thing, however, we must both forget our diffidence, it has no place at the Bar. Ha! ha! ha! I cannot but laugh to think what a flash we shall make when we come to be members of Congress; then again, I am vexed when I think how many steps there are which we must mount to that pinnacle of happiness. Let's see, attorney, then a Selectman, a huffing Justice, a deputy, an assistant and member of Congress.*** I shall indeed be *rara avis in terris* for there is not an attorney in the State. Think, Fitch, what a figure I shall make, when I become the oracle of the law to the State of Vermont."

In May, 1779, Stephen Row Bradley and Noah Smith were admitted to the Vermont bar at Westminster and in June of the same year Nathaniel Chipman was admitted at Rutland. The long and distinguished career of Judge Chipman has been sketched with the other Federal Judges and it is not necessary to repeat the important facts in his eventful and useful life. He came to the bench when he was thirty-four years old and his life was one of the best gifts to the jurisprudence of early Vermont. He added the attainments of the scholar and knowledge of the law to a bench already endowed with practical wisdom and wide experience in the affairs of men. The character of his legal works and the many honors that were conferred on him by his fellow citizens are evidence that he was in the front rank of his profession.

Chief Judge Williams in volume 15 of the Vermont Supreme Court Reports at page 353 has left a record of the contribution of Judge Chipman to the jurisprudence of Vermont. He refers thus to him: "This distinguished and able judge, lawyer and statesman, who has done so much to give stability of form and substance to our laws and civil and political institutions, and who, in that way, gave a higher character to our State than any other man whatever, and who in connection with another eminent lawyer, reported the system of laws in 1797 which was adopted and which is probably equal, if not superior, to any body of statute laws which has ever been passed in this country."

LUKE KNOWLTON

1738-1810

Luke Knowlton of Newfane was elected Judge of the Supreme Court in 1786, and served one year, but was omitted in the list at the end of that time when the number of Judges was reduced from five to three. At the same time he was elected Chief Judge of the County Court and served until 1794. Judge Knowlton was born at Shrewsbury, Mass., November 4, 1738. He was a soldier in the French and Indian war and stationed at Crown Point. He came to Newfane in 1773 and brought with him a title purchased from land jobbers in New York City to lands situated on Newfane Hill. As he had taken his title from New York proprietors it was natural that he should have taken sides with that State in the controversy with the Green Mountain boys. This position he continued to hold until 1780, when he and Ira Allen came to terms while they were at Philadelphia, as agents for the two sides of the controversy, between Vermont and New York before Congress. There have been two opinions regarding Judge Knowlton's loyalty to Vermont. He was sent to Congress as an agent of the party that opposed the independence of this State, and was in close touch with Haldimand and acting apparently in unison with Samuel Wells, the pronounced loyalist, in reference to Vermont becoming a province of Great Britain. Some correspondence of Judge Knowlton in reference to the Haldimand affair was intercepted and by a direction of Congress in an order made November 27, 1782, his arrest was ordered, but on the advice of Ethan Allen, and other loyal Vermonters, he fled from the State and was gone for a year. On his return a situation developed which a little later presented a novel question for the court. On November 16, 1783, a party of Yorkers who were in sympathy with the American cause armed with "clubs, swords, pistols and bayonets" broke into his house at two o'clock in the morning, arrested and forcibly deported him to Massachusetts. A rescuing party was organized, but before it became necessary for it to act Judge Knowlton was released and returned to his home. The offense was brought to the attention of the officers of the law, and Francis Prouty, the leader of the abducting party, was indicted by the grand jury sitting at Westminster, for breaking and entering the Judge's house and carrying him away. The respondent was tried by jury and the following curious though ingenious verdict was rendered: "The jury find in this case that the prisoner did break and enter the house of Luke Knowlton, Esq., in the night season, and did take and carry away the said Luke Knowlton, and if that breaking a house and taking and carrying away a person as aforesaid amounts to burglary, we say he is guilty; if not, we say he is not guilty." The judgment of

the court then made up of men who were not lawyers, was that the respondent was not guilty, a decision that lawyer-judges could not have bettered. It is now believed by historians that Judge Knowlton's relations to the Haldimand negotiation were wholly due to a desire on his part to preserve the independence of Vermont and to protect its people from the ravages of war, and that he acted in concert with Allen, Chittenden, and other leaders and friends of the State, who knew his loyalty and trusted him. Newfane owed its consequence in great measure to the ambition and enterprise of Judge Knowlton. He is described as a man of keen perceptions and of intuitive knowledge of human nature, and he was revered by the people. He held many important positions of public trust. In 1774 he was chosen Clerk of Newfane and held that office for sixteen years. He represented the town in most of the conventions in Cumberland county and was a member of the county Committee of Safety from 1776 to 1777. In 1788 he was appointed a Justice of the Peace by New York. He represented Newfane in the General Assembly in 1784, 1785, 1786, 1788, 1789 and 1792, was a member of the Governor's Council from 1789 to 1800 inclusive, and a member of the Constitutional Convention in 1793. "Saint Luke" was the appellation given him by his contemporaries. This was due to his suave manners and marked humility. He was generous to the poor and filled with public spirit. He gave the county of Windham the land for a common on Newfane Hill where the court house and jail were built, when the shire was removed from Westminster in 1790, and contributed substantially toward the erection of the first court house and jail. He left numerous children and grandchildren, one of the latter being Frederick Holbrook of Brattleboro, a Civil War Governor of Vermont. The cemetery located easterly of the summit of Newfane Hill and toward the present village of Newfane is the only reminder, save a few ancient cellar holes and walls, of the once prosperous village where the County Courts were held from 1790 until 1825, and here among the tombstones of the early inhabitants is one of Judge Knowlton which records the death of "Luke Knowlton, a Judge of the Supreme Court on the twelfth day of December, 1810."

STEPHEN ROW BRADLEY

1754-1830

Stephen Row Bradley, the first of the distinguished Windham county family of that name, came to Westminster from Connecticut in 1779. He was born at Cheshire, Conn., February 20, 1754, graduated at Yale in 1775 and commanded the Cheshire volunteers in the

Continental service in 1776. He was adjutant, and later aide to General Wooster, and was with him when he was slain in 1777 at Danbury. He held a Major's commission in 1778, and served as commissary. He studied law under Judge Reeve at Litchfield, Conn., and was admitted to the Vermont bar, at Westminster, May 26, 1779. He was made Clerk of the court at about this time and the next year was appointed State's Attorney of Cumberland county. On December 10, 1779, he prepared at the request of the Governor and Council a statement of Vermont's case against the claims of New York, New Hampshire and Massachusetts. This was a pamphlet of remarkable power, which reviewed the claims of each State, laid bare the weak points in the argument for the other States, and closed with an eloquent appeal for the independence of Vermont as a natural right. With Jonas Fay and Moses Robinson, he represented the State before Congress to urge the recognition of its independence. While the mission failed, it is said that an examination of the papers of Mr. Bradley at this time show conclusively that he was in many respects the ablest man in Vermont. At a later time the same year he went again to Congress, this time to defeat the claims of Luke Knowlton, the representative of the Cumberland County Yorkers, and of Peter Olcott, who was there to advocate the formation of a new State from towns on both the Vermont and New Hampshire sides of the Connecticut. In this mission he was successful. He represented Westminster in the General Assembly in 1780, 1781, 1784, 1785, 1788 and 1790. He was Speaker in 1785. In 1783 he was Judge of the County Court, and Judge of the Supreme Court from 1788 to 1789. He was at first Lieutenant, then Major and finally Brigadier-General in the Vermont militia. The latter military honor came in 1791. He was on the staff of General Ethan Allen. He was frequently called on to restore order in the southern part of the State, and his efforts were usually attended with success. He was a member of the commission that settled the controversy with New York and the one that fixed the boundary between that State and Vermont. He was, next to Chipman, the most powerful man in the Convention of 1791, called to ratify the Federal Constitution and to take action on the admission of Vermont to the Union. In 1791 he became a United States Senator of the first class, with a term of four years. He was defeated in 1794 for re-election, but in 1800, after serving a term in the Council and one in the General Assembly, he was again elected and re-elected in 1806, serving with great distinction. Jeremiah Mason, who was a student in his office, and who was a United States Senator from New Hampshire at a later period, said of Judge Bradley that Senator Giles told him that Bradley had the greatest ability in defeating any measure that he opposed in a legislative body of any one he had ever known. Judge Bradley was the author of the constitutional amendment of 1803 that

requires the Vice-President, like the President, to be elected by a majority of the electoral vote. Judge Bradley opposed the war with Great Britain in 1812; he counselled Madison against it, and at the close of his term in 1813 he became dissatisfied with his party's policy, and finally retired from public life. He removed from Westminster across the Connecticut, into Walpole, N. H., in 1818, where "after a happy and contented evening of life he went to rest, December 7, 1830."

Again referring to Mr. Mason, it will be of interest to the readers of this sketch to know the estimate that he placed upon Judge Bradley as a lawyer. In his autobiography Mr. Mason says that Judge Bradley was not a student, and that his efforts in books were desultory. He gives him on the other hand credit for having great natural talent. He says further of him that there was much drollery in his nature and that he made use of this to a considerable extent in his daily life. His office was so arranged as to open into the parlor of his home, and this in turn onto his piazza. When these spaces were connected, room was afforded for a considerable audience which he would gather from time to time to hear speakers or preachers whom he would invite to address them. Here he had erected a pulpit from which the speakers addressed their audiences. A minister of independent thought was announced to speak from Judge Bradley's pulpit on a certain occasion and the local pastor of sound and conventional doctrines in the church challenged the stranger to a joint debate. Judge Bradley presided with profound apparent dignity, and ruled as a Judge would rule upon all questions of propriety or admissibility as they came up in the debate; but within he was enjoying the efforts of the disputants, and looking upon the whole proceeding as a huge practical joke. He abounded in political sagacity, was a great wit, a wonderful story teller, wise in knowledge of mankind, a great historian, attractive in conversation, and intensely interesting in his portraitures of the men whom he had met and known and on whom he looked back as a philosopher. Judge Bradley was the father of William C. Bradley, of Westminster, who was elected to Congress in 1812, the year before Judge Bradley retired from the Senate, and the grandfather of J. Dorr Bradley of Brattleboro. Both these men were brilliant lawyers, and their sketches appear among the leaders of the Windham county bar. The family has been a notable one and some of its representatives are still at the bar.

NOAH SMITH

1756-1812

Noah Smith, who was admitted to the bar at the same time as Judge Bradley, was born in Suffield, Conn., January 27, 1756, and graduated from Yale in 1778. He came to Vermont and delivered an address at the first celebration of the battle of Bennington. He

later came and was admitted to the bar in May, 1779. At the same term he was appointed State's Attorney *pro tem* for Cumberland county, and in June, 1779, was appointed to the same office in Bennington county, holding the office for several years. From 1781 to 1784 he was County Clerk of Bennington county. In 1788 he was elected to the General Assembly from the town of Johnson while he was a resident of Bennington. His right to a seat was opposed in the House and he was denied admission. In the following year he was again elected from Johnson and this time his right was not questioned. This is said to have been the only instance, with possibly one exception, where a non-resident was chosen to represent a town in the General Assembly. He was elected a Judge of the Supreme Court in 1791. This office he resigned a little later, and was appointed Excise Commissioner, an office which he held for several years. In 1798 his brother, Israel, who had been Chief Judge for one year, failed of reelection in the Legislature, which has become famous as the "Vergennes Slaughter-House" and Judge Noah Smith was elected in his place. He continued in office until 1801 when he was succeeded by Stephen Jacob. Soon after his retirement from the bench he removed to Milton where he built a Congregational church and presented it to the society of that denomination, of which his wife and children were members. His business was unsuccessful, his lands in Milton passed from him, and he was imprisoned for debt in the jail at Burlington. In 1811 while he was still in confinement, the Legislature passed an act for his release. This act recited that "for some time he had been in a state of mental derangement, almost wholly lost his reason, and it is thought that change of air and the use of medical springs are the most probable means of restoring his reason." The act released and discharged him from confinement, and freed him from arrest for five years. He died December 23, 1812, at Milton. Judge Smith is reputed to have practiced his profession with reputation and success, and in every walk of life is said to have been a gentleman, scholar and friend. Judge Smith was the first Grand Master of the Masonic order in Vermont, and a very old but well preserved oil painting of him hangs in the Masonic Temple at Burlington. It was presented to the Grand Lodge by Miss Ann Eliza Huntington, of Vergennes, who was his granddaughter. His grandson, Rev. Dr. Henry Smith, a cousin of Miss Huntington, became a doctor of divinity. He married a daughter of Joshua Bates, President of Middlebury College. He was president of Marietta College, in Ohio, and at the time of his death professor in Lane Theological Seminary in Cincinnati. Doctor Smith moved to Vergennes late in life and purchased the residence now owned by Judge Fish. Here he resided at the time of his decease. He was a powerful and eloquent preacher, and performed the duties of a pastor during the time he was a teacher. He was also the author of several books.

HILAND HALL

Born in Bennington, Vt., July 20, 1795. He attended the public schools, studied law and was admitted to the bar. He represented Bennington in the Legislature of 1827 and was State's Attorney from 1828 to 1831. He was elected to Congress in 1831 to fill the unexpired term of Jonathan Hunt and served until 1843, when he was appointed State Bank Commissioner, a position which he held until 1846. He was a Judge of the Vermont Supreme Court from 1846 to 1850, Second Comptroller of the United States Treasury from 1850 to 1851 and United States Land Commissioner for California from 1851 to 1854. He was a delegate to the first Republican National Convention in 1856, Governor of Vermont from 1858 to 1860, and was chairman of the Vermont delegation to the Peace Conference of 1861. While Governor Hall was one of Vermont's most active public men, and served his State with distinction in executive, legislative and judicial positions, he will be remembered longest as a writer of history. In 1868 his "Early History of Vermont" was published. This is a thorough and comprehensive work. For six years he was president of the Vermont Historical Society. He was actively engaged in the promotion and erection of the Bennington Battle Monument. His long and useful life ended December 18, 1885.

Hiland Hall

SAMUEL KNIGHT

1730-1804

Samuel Knight, of Brattleboro, was born at Woburn, Mass., February 10, 1730. He came to Brattleboro as early as 1762 and resided here until his death, July 23, 1804. He was commissioned as an attorney in His Majesty's courts of record in Cumberland county, June 23, 1772. His commission was signed by Governor Tryon and noted in the Inferior Court of Common Pleas for the same county, September 8, 1772. He was the first and only one of the lawyers commissioned by the courts of the crown to become a Judge of the Vermont courts. What his early education was or where he was schooled is not known. He was a man of learning but not a college graduate. It is supposed that he studied law with Charles Phelps and his son Solomon, at Marlboro. In 1774 he was appointed a commissioner by New York to administer oaths, but this was the only office he ever held under that State. He was regarded as an unpopular New Yorker and was in professional attendance at the court house in Westminster in March, 1775, when William French was killed, although he does not appear to have been personally engaged in the assault on the Whigs, but a coroner's jury nevertheless found an indictment against him for the murder of French and he escaped into New Hampshire and Massachusetts, and did not return to Brattleboro for a year. He took an active part in the Revolution, and favored New York until 1778, when he became convinced she could not maintain her claim to Vermont, and submitted to the authority of Vermont and took a commission as Justice of the Peace from the State in 1781. Remonstrance was made against his holding this office, and his conduct was reviewed by the Legislature with the result that a regularly executed commission was issued to him. He must have come into good favor at about this time, for in 1793 he was prominently mentioned as a candidate for United States District Judge to succeed Judge Chipman, who had resigned. He was apparently worthy of such an honor, and qualified to fill the place, for Matthew Lyon wrote of him: "However he got his education, he has it in such a degree, both universally and professionally, as would do honor to a gentleman in the most enlightened country," and Judge Wheeler, than whom we have had no more dependable historian, says of him: "His reputation as it has come down by tradition is that of a man of learning, accomplishments, and, professionally, of strict integrity." Dr. Graham adds his tribute, too, by saying of him that, "he was bred to the law" and was a "gentleman of great abilities." Judge Knight represented Brattleboro in the General Assembly in 1781, 1783, 1784 and 1785. He was Chief Judge of the Windham County Court as early as 1786. He was elected

Second Assistant Judge of the Supreme Court in 1789 and Chief Judge in 1791, serving until 1794. After this term of service in the Supreme Court he was again Chief Judge of the County Court in 1794, 1795 and 1801.

ELIJAH PAINE

1757-1842

Elijah Paine of Williamstown was elected a Judge of the Supreme Court in January, 1791, and served until the fall of 1794. He later became United States Senator, and after service for a full term and part of another resigned to become United States Judge for the district of Vermont. In this position he had the longest judicial service in the history of our State. He occupied the office for more than forty years, beginning in 1801 and ending in 1842, when he resigned. His full sketch will be found among the Federal Judges. His letter, addressed to the General Assembly on his first election to the Supreme Court, is indicative of his good business sense as well as his idea of public service. In this letter he writes: "You will, however, give me leave to discern that the pay of your Judges bears but a small proprotion to the pay received by the Judges of any of the other States, when the ability of the State is compared, and were the State still in debt for the expenses of the late war, I would with pleasure live on my own property and serve my country without reward, but the State is now in great measure free from debt. Although I know the Legislature will not waste the property of the citizens, I am confident they would wish to make their servants a reasonable compensation; if, upon deliberation on the subject, they shall think proper to make any addition to the pay of the court, it will be gratefully received; if on the other hand, they should think the present pay adequate to the service, I shall with pleasure acquiesce and serve the State to the best of my abilities."

ISAAC TICHENOR

1754-1838

Isaac Tichenor was born in Newark, N. J., February 8, 1754. He graduated at Princeton College and studied law in Schenectady, N. Y. He became an assistant to Commissary General Cuyler in buying supplies for the Northern Army and it was the accumulation which resulted from his efforts that tempted the British to make the attack at Bennington, August 16, 1777. He reached the field at dusk on

the day of the battle but did not participate in it. He located in Bennington and about the close of the war began the practice of law there. He represented Bennington in the General Assembly in 1781, 1782, 1783 and 1784, and in 1783 was Speaker. He was sent as an agent to Congress in 1782 and the same year was commissioned by the Legislature to quell the disturbances in Windham county, an enterprise in which he was only partially successful. He was a commissioner in 1789 to determine the terms of settlement with New York. He was Judge of the Supreme Court from 1791 to 1796 and Chief Judge in 1795 and 1796. On the resignation of Moses Robinson as United States Senator he was chosen to fill out the unexpired term, and at the close of the term was elected for a full term. He resigned the Senatorship at this time because of his election as Governor, an office which he filled eleven years in all, beginning in 1797 and ending in 1809. In 1807 he was defeated for the office by the Democrats (Republicans) under the leadership of Israel Smith. He was again elected to the Senate in 1814 and after serving out his term retired to private life. He died at Bennington, December 11, 1838. Judge Tichenor is described by a faithful historian as a man of "good private character, of highly respectable talents and acquirements, of remarkably fine personal appearance, of accomplished manners and insinuating address." His perfect manners and dress gained for him the sobriquet of "Jersey Slick," a name which he carried through life. But this was not given in derision, for he was held in high regard as a man of good talent, unusual diplomacy and real art as a politician. He was one of the first to urge the need of a State Prison as a "humane and benevolent" institution and his wise disposition of an unfortunate difference with Canada over the supposed murder of John Griggs brought from our Legislature the most generous praise from friends and foes alike. He was a Federalist in politics and his popularity was such that he was continued in office several terms after his party had gone out of power.

LOT HALL

1757-1809

Lot Hall came to Bennington in 1782 and the year following located in Westminster where he practiced law extensively with a good reputation as a lawyer until his election to the bench. He was born at Yarmouth, Mass., April 2, 1757, and died at Westminster, May 17, 1809. He enlisted in the cause of the colonies against the mother country as a sailor. While engaged in a naval expedition to protect South Carolina and acting as a Lieutenant in charge of a prize the

crew of his prize vessel mutinied and he was carried to Glasgow, Scotland. Here he was released but having no way of returning home went to Ireland, where he "found the people very kind and civil as well as warmly attached to the American cause." Here he was treated in "a genteel manner" until he had an opportunity to take ship to America. When his vessel was within Cape Charles and Cape Henry it was captured by a British man-of-war lying in Hampton Roads, the *St. Albans,* and he was held captive for ten days where he suffered "everything that British insolence and cruelty could inflict, short of actual violence." Through the efforts of Patrick Henry, the Governor of Virginia, his exchange was procured and he was provided with a horse and money for his return home, which he reached February 22, 1778. After his death Congress awarded his descendants remuneration for his services. He began to study law at Barnstable, Mass., and came to Bennington the same year. He represented Westminster in the General Assembly in 1788, 1791, 1792 and 1808. He was a Presidential Elector in 1792, voting for Washington and Adams. He was a member of the corporation of Middlebury College from its incorporation until his death, and a member of the third Council of Censors. He was elected a Judge of the Supreme Court in 1794 and served until 1801. In 1786 he married Mary Homer of Boston, an orphan fifteen years of age. His marriage was as romantic as his experience in the war. A newspaper account of the courtship and marriage appearing in 1789 and re-published occasionally by the press until as late as 1845, served to keep the interesting story before the public. He was seized with a violent catarrhal trouble while attending the Assembly in 1808, from which he died the next year. Judge Stephen R. Bradley, who was in practice at Westminster at the same time as Judge Hall, did not regard the latter as a great lawyer. He encouraged his student, Jeremiah Mason to try a justice case against him and was greatly elated, because, to use his own words, he had "beat Hall" in the case. But we must remember that the Bradleys were supermen, and Mason was a giant mentally as well as physically. It is said in praise of Judge Hall that he discharged his duties as Judge "with great fidelity and credit" and his instructions to grand juries attracted so much favorable attention that they were often published and commended by the press. An early writer, Doctor Graham, says of him that he held the office of Judge in such a manner as to reflect honor even on so important an office. He further says of his memory that it was so tenacious as to make him master of every subject he read or heard and able to recapitulate the facts without the slightest hesitation or previous study. Such a man must have been a good lawyer and a wise Judge.

ENOCH WOODBRIDGE

1750-1805

Enoch Woodbridge was the first Judge to be chosen from Addison county and one of three to be elected from Vergennes. He was born at Stockbridge, Mass., December 25, 1750, and graduated at Yale in 1774. He was in the commissary department in the Revolution and was at the battles of Hubbardton and Bennington and at Burgoyne's surrender. He studied law and first came to Manchester in this State but soon removed to Vergennes, where he was elected the first Mayor of the city in 1794. It was believed that Vergennes was destined to become a very important place and Ethan Allen and other prominent men of his time were instrumental in procuring the charter for the first city in Vermont. There were but two cities in New England, Hartford and New Haven, when Vergennes was incorporated in 1788, and these places are but a few years older. It was natural that the fathers should have believed that Vergennes would become a real city. It is beautifully located in the center of a rich farming section, is at the head waters of navigation on Otter Creek—an important commercial consideration at that time—and has abundant water power. Its citizenship of the best New England stock was made up of strong men who had come from Massachusetts or Connecticut to found a commonwealth. Among these men Judge Woodbridge was a leader. He came of good ancestry, for he was descended from Governor Thomas Dudley of Massachusetts, and was the great grandson of Rev. John Eliot, the apostle to the Indians. He was a Judge of the Supreme Court from 1794 to 1798, and Chief Judge from 1798 to 1801. He represented Vergennes in the General Assembly from 1791 until his elevation to the bench and again in 1802. In 1793 he was a member of the Constitutional Convention. He died at Vergennes, April 25, 1805. Judge Woodbridge was an able man and was not unlike his successor from the same city, Chief Justice Pierpoint, in poise and judgment. His son, Enoch D. Woodbridge, was also a lawyer and resided at Vergennes. Enoch D. Woodbridge married a daughter of Gen. Samuel Strong, who commanded the Vermont militia at the battle of Plattsburg and was also a resident of Vergennes. From this union was born Frederick E. Woodbridge, member of Congress from Vermont and prominent lawyer. Enoch D. Woodbridge built across the city park from the Stevens House the brick building, now the chapel of the Episcopal Church, and formerly for three-quarters of a century a law office. It remains unchanged on the outside and the interior is not greatly altered. It is a fine type of the country law office of a few generations ago and it has been the scene of many legal battles between men who knew how to give and take hard blows

in the days when "Woodbridge and Grandey" were the particular stars in the legal firmament in the north end of Addison county. I spent many happy days in practice in this office from 1890 to 1900. Aside from the County Court House at Middlebury it was the most noted meeting place for the men of the bar in the earlier days and with the old jail at Vergennes it is one of the most interesting landmarks. The latter antedates the county jail by many years and it has traditions that are more interesting than any that attach to the county stronghold for bad men. It is built of stone; its walls are thick and well cemented together; it has one large room and a cell. Here it was that Matthew Lyon, Congressman from Vermont and later from Kentucky, was confined under the alien and sedition laws, and from this jail he was released in the winter of 1799 after a thousand or more friends had paid one dollar each to make good his fine and costs, while a procession of admiring sympathizers that reached from Vergennes to Middlebury, a distance of thirteen miles, accompanied him on his journey southward.

ISRAEL SMITH

1759-1810

Israel Smith, younger brother of Judge Noah Smith, was born at Sheffield, Conn., April 4, 1759, and graduated at Yale in 1781. He came to Rupert two years later, where he was admitted to the bar. He represented that town in the General Assembly in 1785, 1788, 1789 and 1790. He was one of the commission, and the youngest member, in 1789, to close the controversy with New York and a member of the convention in 1791 that ratified the Federal Constitution preparatory to the admission of Vermont into the Union. He moved to Rutland the latter year and was elected the Representative of the southwestern district in Vermont to Congress and was re-elected in 1793 and 1795, but was defeated by Matthew Lyon in 1797. He represented Rutland that fall in the General Assembly and was made Chief Judge of the Supreme Court. He held the office but one year, for the next session was controlled by the Federalists and the "Vergennes slaughter house" saw every position in the State within reach made party spoils. He were elected Chief Judge again in 1801 but declined. He was this year a candidate for Governor against Governor Tichenor, but was defeated. He was, however, elected to Congress and at the end of his term elected Senator over Nathaniel Chipman. In 1807 he was elected Governor and resigned his seat in the Senate to accept the office. He died at Rutland, December 2, 1810. His son, William Doneglas Smith, a graduate of Middlebury College

and a lawyer, was Clerk of the House of Representatives from 1809 to 1822. Judge Smith was a man of high ideals and fine talents. He early took rank as one of the distinguished lawyers of his day and so prominent was he in national circles and so favorably regarded that it was confidently expected that he would have the place of Attorney-General in the cabinet of President Jefferson, but for some reason this did not come to him. It would have been a distinct honor to him and to Vermont had he received the appointment. No resident Vermonter has been Attorney-General of the United States. Alphonso Taft, father of President Taft, was Attorney-General, but it was while he was a resident of Ohio. He left Vermont in 1840.

JONATHAN ROBINSON

1756-1819

Jonathan Robinson was a younger brother of Moses, who became the first Chief Judge of Vermont. Jonathan was a lawyer. He was born at Hardwick, Mass., August 11, 1756, came to Bennington with his father in 1761 and was admitted to the bar in 1796. He was Town Clerk of Bennington six years, beginning in 1795, Town Representative thirteen times before 1802, and Chief Judge of the Supreme Court from 1801 to 1807. He was then elected United States Senator in place of Israel Smith, resigned, and in 1809 was re-elected for a full term and served until 1815. On his retirement from the Senate he was elected Judge of Probate for four years, and in 1818 represented Bennington again in the General Assembly. He died at Bennington, November 3, 1819. He was an astute and far-seeing leader, was faithful to duty and had strength and solidity rather than brilliancy as a basis of success. He possessed a pleasing personality and had great talent.

ROYALL TYLER

1757-1826

Royall Tyler was the first man of literary accomplishments to be called to the bench of Vermont. He was born in Boston, July 18, 1757, the son of Royall Tyler, a man of marked ability, a graduate of Harvard and a member of the King's Council. Judge Tyler also graduated at Harvard and in a class which included among others Christopher Gore, Governor of Massachusetts and United States Senator, and Chief Justices Sewell and Thatcher. On the graduation of Judge Tyler in 1776 at Harvard, Yale paid him the unusual compliment

of bestowing on him the degree of A. B. He studied law in the office of Francis Dana, of Cambridge, and afterwards in that of Benjamin Hichburne, of Boston. During the three years following the beginning of his studies, which commenced the year of his graduation, he pursued his professional preparation together with other congenial literary pursuits and enjoyed the friendship of such men as Christopher Gore, Rufus King, William Eustis, Aaron Dexter and Thomas Dawes. In 1778, while he was still studying law, he enlisted in the patriotic army as an aide to General Sullivan and was with him in the unsuccessful attempt to drive the British from Newport. He was admitted to the bar in 1779 and located in Portland, Me. Business at Boston had been nearly ruined by the British occupation and Portland had been burned but was being rapidly rebuilt. An amusing incident occurred here which grew out of an action brought by Judge Tyler against an officer of a privateer then lying in the harbor. To make sure the process was well served, Judge Tyler accompanied the Sheriff onto the vessel, but the privateer's man not liking these proceedings weighed anchor and sailed away to Booth's Bay, where he landed the Sheriff and the attorney and then kept on his cruise. In a short time Judge Tyler returned to the vicinity of Boston and for two years resided near Quincy. In 1784 he opened an office in Boston, but was not permitted to practice undisturbed because of Shays' Rebellion, which broke out in 1786, in which he took an active part. During the summer and fall of that year the courts in most of the counties in Massachusetts could not be held. Whenever a session of court was due to sit several hundred armed men would assemble, take possession of the court house, compel an adjournment *sine die* and disperse. These men became more bold as time went on and acts of violence became more numerous until "the defenders of the people," as they called themselves, became more feared than favored. The leaders were arrested and held for treason and an army of forty-four hundred men was enlisted, before whom the rebels broke and ran. In this army Judge Tyler was aide-de-camp to General Lincoln, who commanded the State troops and had the rank of Major. This was in 1787. The fugitives fled into Vermont and New York. Into our own State Major Tyler was sent by General Lincoln on the delicate mission to ask our aid in arresting the rebels. He came to Bennington while the Legislature was in session and there met Ethan Allen, Isaac Tichenor and Jonas Galusha. Here he was courteously received and was invited to address the Legislature. The mission was not very successful for the reason that the Vermonters were as much in favor of the insurgents as the government of Massachusetts. We were not at this time a State in the Union and both New York and New Hampshire claimed the territory which is now Vermont. He was entirely successful, however, in a similar mission to New York. He returned to Boston after his

CLARKE C. FITTS

Born in West Wardsboro, Vt., October 17, 1870. He studied in the public schools, Leland and Gray Seminary and the Brattleboro High School. After teaching in Stratton, he began the study of law in the office of Waterman, Martin and Hitt at Brattleboro, and was admitted to the bar in 1891. He was almost immediately successful in the practice of law. From 1894 to 1896 he was State's Attorney of Windham county. In 1904 he was elected a member of the Legislature and was chairman of the Judiciary Committee. The General Assembly created the office of Attorney General and elected Mr. Fitts to fill the position, which he held for four years. When he retired he entered upon a large and lucrative practice. He was particularly interested in water power development and was attorney for the corporation that built the Vernon and other dams. He was one of Vermont's greatest lawyers. He was a director of the National Life Insurance Company, the Connecticut River Power Company, the People's National Bank, and a trustee of the Brattleboro Savings Bank. He had been president of the Vermont Bar Association and a vice-president of the American Bar Association. He married Miss Harriet H. Lyon of South Londonderry in 1893. She died in 1897, leaving two sons, Robert L. and Stanley C. In 1903, Mr. Fitts married Miss Maud L. Emerson of Brattleboro. Two children were born of this union, Osmer C. and a daughter, Miriam. Mr. Fitts died December 20, 1916.

American Historical Soc'y

Clarke C Fitts

services in suppressing the rebellion and began his first important literary effort. It was at a time when the stage was well supported in the larger cities and Garrick and Siddons were in their prime on the stage and Goldsmith and other writers of comedy had revived the taste for the drama. No American had at this time written a play of prominent merit for the regular stage and Judge Tyler was urged by his friends to make an effort in the new field. Accordingly he wrote a play entitled "The Contrast." In this he contrasted the homely plainness of our national character with the polished hypocrisy and villainy of foreign fashionable life. This play, written in the winter of 1788-89, was staged at the Park Street Theater in New York while Congress was in session in that city. It met with marked success, as did also the farce entitled "May Day in Town," written at about the same time and played as an afterpiece. Judge Tyler was in New York and saw his play produced and was flattered by the attentions which he received as an author. When he returned to Massachusetts he did not go to Boston, but to his mother's home at Jamaica Plain. A love affair with the daughter of John Adams, who had promised to marry him but later dismissed him, induced him to leave Boston with his increasing practice and to seek a home in the new State he had visited in the service of Massachusetts during Shays' Rebellion. In the summer of 1790 he ascended the Connecticut as far as Windsor, where the Supreme Court was then in session. Here he met some of the men with whom he had previously become acquainted and a new circle of bright and congenial companions, and in January, 1791, he moved to Guilford, then the most populous town in the State, where he established himself in his profession. Here he practiced for ten years and at the same time found further opportunity for literary work. He wrote during these years "The Duelist," a farce in three acts; the "Georgia Spec, or Land in the Moon," in ridicule of the speculative mania of the times; "The Doctor in Spite of Himself," an imitation of Moliere's comedy; and "Baritaria" or the "Government of a Day," founded on the adventures of Sancho Panza. At the same time he was a member of a brilliant coterie of literary men who held meetings at Greenfield, Brattleboro and Walpole. At Walpole was a periodical called *The Farmers' Weekly Museum* or the *New Hampshire and Vermont Journal,* to which Judge Tyler contributed. The periodical had a large circulation and to it Judge Tyler gave the exuberance of his genius. In 1797 he had published at Walpole the most important of his literary works, "The Algerine Captive." This describes the piratical practices of the day of Algiers and displays on one side the early manners of New England folk, and on the other those of the ferocious race then so dreaded by the commercial powers. This work carried the fame of its author across the water and had the distinction of being the

first production of American fiction to be published in London.

In 1798, Judge Tyler was chosen by the Legislature State's Attorney of Windham county, an office which he filled until his elevation to the bench in 1801. In the latter year he changed his residence from Guilford to Brattleboro and located on a farm two miles from the village. He was a Federalist in politics and at first sat with Judges Jonathan Robinson and Stephen Jacob. Robinson was a Republican and Jacob also a Federalist. Judge Robinson had been accustomed to look upon Judge Tyler as a writer of light poetry and fiction and as the author of satirical poems, pointed epigrams, and political squibs against the Republicans rather than as a lawyer. He did indulge in all these things and was a poet as well as a writer of fiction.

From this time forward Judge Tyler was engrossed mainly in his judicial labors. He rode up and down the State to attend the courts which became popular while he was on the bench both with the bar and the people. In 1807 he became Chief Judge with Judge Harrington and Judge Galusha as Assistant Judges. He continued on the bench as Chief Judge until 1813, when the Federalists gained control of the Legislature and changed all the Judges of the Supreme Court. This was the party to which Judge Tyler nominally belonged, but it was known at the time that in sentiment he was a Republican. Before this time he had rendered valuable services to the profession by collecting and arranging reports of the decisions of the Supreme Court which were published in two volumes known as "Tyler's Reports" in 1809 and 1810. About the same time he published "The Yankee in London," a series of letters by an American youth during nine months' residence in London, a work that was received with favor in this country and in England. In 1811 he accepted the professorship of jurisprudence in the University of Vermont and was an active member of the corporation for ten years.

After his retirement from the bench Judge Tyler resumed practice at Brattleboro. After 1820 he was obliged to relinquish his practice on account of the progress of a cancer on the face which caused his death. He died at Brattleboro, August 16, 1826.

In 1794, Judge Tyler married the daughter of Gen. Joseph Purce Palmer, of Framingham, Mass., and from this union there were born nine sons and two daughters. One of the former was named for his father. He resided all his life at Brattleboro and was for fifty years the Judge of Probate for the district of Marlboro and for forty-five years the County Clerk of Windham county. He was a man of the old school and his interesting personality and genial temperament are still pleasantly remembered by many who knew him in life and recall how he held his court and discharged his duties as Clerk. He was the best friend of every member of the bar and his

room at the Newfane Inn was the meeting place of his good companions in the days before the automobile took the court folks away from the town at the close of each day's business. The open fireplace, the bright lights, the cards and card-table, and it ought to be said to complete the picture, the cupboard in the wall, were familiar objects and all intended to intensify the interest in the man to whom the room belonged while County Court was in session. In court he was a model of dignity. He thought it was his business to be in constant attendance when court was in session, and I do not recall a time when he was absent while the court was sitting and he was the Clerk. It was amusing to hear him administer the oath to the witnesses. He used to sit leaning back in his chair against the bench, and when the time came for him to administer the oath he would bring his chair onto all fours and arise and stand erect while he swore the witnesses. This he did deliberately, impressively and in a falsetto voice and with a rising inflection. He was obliged to use this voice for he had no other, his voice never having changed from boyhood. He was a remarkable penman as a young man, but in old age his hand was coarse and not well systematized, but he was a good Clerk—Judge Ross used to say the best in the State—and he understood thoroughly all the duties of his office and kept all the files and records in an orderly manner. He died at Brattleboro in 1896.

STEPHEN JACOB

1755-1817

Stephen Jacob came to Vermont on the occasion of the first anniversary of the battle of Bennington, and read a poem or a political essay. This was on August 17, 1778,* the occasion also which first brought to Vermont Noah Smith, a classmate of Jacob, who delivered the oration at the celebration. How much these engagements were responsible for the location of these gifted men in Vermont, history does not disclose. Stephen Jacob graduated at Yale in 1778 and he pursued his legal studies in the office of Theodore Sedgwick, who was distinguished both as a jurist and patriot in Massachusetts. He was admitted to the bar, in 1780 came to Windsor and soon occupied an eminent position in his profession. It is said of him that no one who ever came to Vermont rose more rapidly as a lawyer. He was engaged in all litigation in or near Windsor county, and at the end of

*August 16 fell on Sunday that year.

the second year of his practice had a very large docket. He was counsel in the second and third cases reported in the second volume of reports issued in this country and edited by Nathaniel Chipman. In 1781 he was the Representative from Windsor in the General Assembly and again in 1788 and 1794, and was Clerk of the House in 1788 and 1789. He was a member of the Council of Censors in 1785 and State's Attorney of Windsor county for a long time. He was one of the commissioners to treat with New York; was appointed first United States District Attorney for Vermont in 1791; was a member of the Governor's Council for several years, and of the Constitutional Convention of 1793, and was Chief Judge of the Windsor County Court. While he was holding the office of State's Attorney in 1786 he assisted the militia called out to quell the mob that attempted to interrupt the sessions of the court and was slightly wounded. In 1801 he was elected a Judge of the Supreme Court, but was obliged to retire at the end of two years on account of his strong adherence to the doctrines of Federalism. He did not again enter public life, although he was at the time but forty-seven years of age. He was a man of aristocratic bearing and perhaps out of harmony with the plain men of his time. He entertained lavishly and while he had a large practice he was comparatively poor at the time of his decease. He died at Windsor, January 27, 1817. Judge Jacob was a slave holder, having purchased several slaves who came into Vermont. This does not mean that slavery as such ever existed in this State. It could not exist here, for by the provisions of our first constitution it was forbidden, and the legal effect of this provision of the Constitution was immediately to set free any persons in bondage when they reached Vermont soil. Any service that these servants may have rendered in Vermont was a voluntary service and not slavery. The relation became one of master and servant and not one of master and slave. The recent address of Chief Justice Watson delivered before the Vermont Bar Association in January last (1921) has forever set at rest any question as to the adoption of our first Constitution and as to the possibility of slavery existing in Vermont thereafter. His conclusions that the instrument was legally adopted and that by its own force slavery was afterwards made impossible in Vermont are unanswerable. One of the servants of Judge Jacob who had been in bondage before coming to Vermont was Dinah, a negro woman whom he purchased in 1783. He was afterwards sued by the town of Windsor for her support and the case was defended by Charles Marsh, the leader of the Vermont bar, and is reported in second Tyler at page 192.

THEOPHILUS HARRINGTON

1762-1813

It is a curious circumstance that the next man to be elected to the bench should have been Theophilus Harrington, who made himself the best known and longest remembered of any of the older Judges, because he required a bill of sale from God Almighty before he would recognize the title of a slave holder to his slave in Vermont. He was in strange contrast in every way to Judge Jacob, in birth, education, tastes and environment, and yet these two men were called to serve in the same court at a distance from each other in point of time of only two years. One was a scholar, an accomplished lawyer, an aristocrat and a slave owner; the other was a farmer, probably poorly educated, a common man who appeared in court barefooted, and an enemy of slavery. These men must have represented the extreme views of their constituents, and it was to be expected that the man of the people would have a longer service than the lawyer and scholar. Such was the case, for Judge Harrington served for ten years and Judge Jacob only two years. But Judge Harrington came of distinguished ancestry, among whom were Theophilus Whaley, who was one of the Judges who beheaded Charles I, Thomas Harris, one of the Pilgrims of 1620, Dr. John Clarke, Governor of Rhode Island, and Dr. Michael Dwinelle, who fled from Paris upon the revocation of the Edict of Nantes and settled in Massachusetts. Judge Harrington's mother was a great granddaughter of Doctor Dwinelle. Judge Harrington was born in Coventry, R. I., March 27, 1762, came to Vermont in 1785, and located as a farmer in Clarendon. He represented the town in the Legislature in 1795, and from 1797 to 1803, inclusive. He was elected Speaker the latter year. He was Chief Judge of the Rutland County Court from 1800 to 1803, and Judge of the Supreme Court from 1803 to 1813, the longest term held by any one man before the change in the judicial system in 1825. He was admitted to the bar after his first election to the Supreme Court. He was by nature a Judge and not by education. He was rough and unpolished in his manners and had no acquaintance with the technicalities of the law, but his mind was vigorous, and his discrimination acute, and his search for the justice in a case so painstaking that he seldom went wrong in arriving at a decision. This was very sure to be in the direction of substantial justice, although it must be admitted that he sometimes overlooked the rules of law in arriving at results. An occasion of this kind arose in a case where two leaders of the bar, Nathaniel Chipman and Israel Smith, were in discussion over a demurrer to a declaration. The Judge had listened for a long time with patient attention to the two disputants, and taking the docu-

ment in his hand he asked each of the men what he called the paper. "It is a demurrer, Your Honor," was the answer. Whereupon Judge Harrington said: "I do not know what a demurrer is, but I know what justice is, and this plaintiff is entitled to a judgment." This decision may have been on the side of justice, and very likely it was, but not as much can be said of another incident which arose in the course of his judicial career. In a land case which the Judge was trying counsel on one side objected to a deed because it was not sealed. The Judge asked if that was the only objection and on being advised that it was, he called the Clerk and said to him: "Clerk, hand me a wafer." He then attached a piece of paper to the deed with the wafer and said: "That objection is removed; now proceed, Mr. Attorney."

In a case where a horse had been stolen in Canada, taken through Vermont and sold in Massachusetts, it was claimed on the part of the defence that the thief could not be prosecuted in Vermont. The case was before the Supreme Court and the other Judges doubted about the right of the officers to prosecute in Vermont. Judge Harrington said that in his opinion the respondent stole the horse when he took it and stole it every step of the way he took with it until he sold it and, therefore, he was stealing it all the way through Vermont. The other Judges concurred, the respondent was convicted and a principle of law was established for all time in Vermont.

The most interesting event in the judicial career of Judge Harrington occurred when a slave was brought before him under an act of Congress authorizing the owners of slaves that had escaped into other States to seize them and take them before a magistrate to show cause by evidence that the person seized "Doth under the laws of the State or Territory from which he or she fled owe service or labor to the person claiming him or her." It was made the magistrate's duty to give a certificate thereof to the claimant which should be a sufficient warrant for moving the slave. Under this law a master undertook to make out a case before Judge Harrington to recover a slave who had escaped into Vermont. His proof consisted in part at least of affidavits, one of which contained a bill of sale of the slave in question. This was offered in evidence, but the Judge made no order in the case. Then the attorney offered an affidavit showing the bill of sale to the man who sold the mother of the slave. "Is this all?" inquired the Judge. The claimant said he had gone back to the ownership of the mother, but the Judge was thinking of familiar terms in land cases which he was accustomed to try and said: "You do not go back to the original proprietor." The claimant's attorney then asked what would answer beyond the bills of sale, and received from Judge Harrington the historic reply: "A bill of sale from God Almighty." The slave was not held. Judge Harrington died at Clarendon, November 17, 1813.

ALEXANDER DUNNETT

Born in Peacham, Vt., November 9, 1852, of Scotch parentage. He was educated in Newbury and McIndoe Academies and Randolph Normal School. He studied law and was admitted to the bar in 1877. He practiced law at South Ryegate until 1883, when he removed to St. Johnsbury. He was State's Attorney of Caledonia county from 1886 to 1890 and United States' Attorney for the District of Vermont from 1906 to 1915. He was a member of the State Senate in 1890. He was a delegate to the Republican National Convention in 1920 and chairman of the Vermont delegation. He had been president of the Vermont Bar Association, a trustee of Norwich University and had received from that institution the honorary degree of Master of Science. He died September 14, 1920.

Alexander Dannett

JONAS GALUSHA

1753-1834

Jonas Galusha, the last layman to be chosen to the bench of the Supreme Court, was born at Norwich, Conn., February 11, 1753, and came to Shaftsbury in 1775. He commanded two companies of Shaftsbury troops in the battle of Bennington and saw much active service from 1777 until 1780. His occupation was that of a farmer and innkeeper and his first office that of Sheriff of Bennington County, which he held from 1780 to 1787. He was State Councilor from 1793 to 1798, and from 1801 to 1805. In politics he was a Democrat (Republican) and soon came into leadership in the party. He was elected Governor in 1809, 1810, 1811, 1812, and again in 1815, 1816, 1817, 1818 and 1819, in all a service of nine years. He was elected a Judge of the Supreme Court in 1807 and 1808; was Presidential Elector in 1808, 1820 and 1824; one of the Council of Censors in 1792, and member and president of the Constitutional Conventions in 1814 and 1822. Judge Galusha married a daughter of Thomas Chittenden, and his brother-in-law, Martin Chittenden, was his most active political opponent. In 1813 he was defeated by Martin Chittenden for the governorship, but prevailed over him in 1815, and continued as Governor for five years thereafter. Judge Galusha will be best remembered as Governor. Not much can be learned about him as a Judge. In the former office he displayed great personal friendship toward his political opponents and employed no harsh epithets against them in his political relations with them. He urged the repeal of the law which allowed the imprisonment of debtors. His messages breathe a religious spirit and he refers in one of these to the "wide and recent spiritual harvest" in the State, referring to a religious revival at the time. Such a man should have been, and probably was, a good Judge. His last days were spent in contentment and honor in the rural quiet of his Shaftsbury home where he died October 8, 1834.

DAVID FAY

1761-1827

David Fay was the youngest brother of Judge Jonas Fay and the son of Stephen Fay. He was born at Hardwick, Mass., December 13, 1761. He was in Capt. Samuel Robinson's company at the battle of Bennington and served as a fifer. At the age of thirty-five he was admitted to the bar and was State's Attorney of Bennington county for several years prior to 1801. He was appointed by Presi-

dent Jefferson United States District Attorney for Vermont and in 1809 was chosen Judge of the Supreme Court on the occasion of the election of Judge Jonathan Robinson as United States Senator. He served until 1813, when the court was thrown out by the Federalists. He was afterwards Judge of Probate and from 1817 to 1821 was a member of the Governor's Council. He died at Bennington, June 5, 1827.

DANIEL FARRAND

1760-1825

Daniel Farrand was one of the most accomplished of the early Judges. He came from Canaan, Conn., where he was born September 9, 1760. He graduated at Yale and settled at Windsor in this State in 1780. It is thought that he studied law with his brother-in-law, Stephen Jacob of Windsor, but of this there is no record, nor is there one of his admission to the bar. He began practice while a resident of Windsor and was Register of the Probate Court from 1783 to 1786. He was in practice in 1784 and 1785, but soon afterwards removed to Newbury, where he remained until 1800, when he took up his residence in Bellows Falls. He took a leading part in the political affairs of Orange county while a resident there and represented Newbury in the convention of 1791, which adopted the Constitution of the United States. He was Register of the Probate Court and State's Attorney for several years, and for one year Judge of Probate. He represented Newbury in the General Assembly in 1792, 1793, 1796 and 1798, and the last year was Speaker. He had a large practice in Orange county and represented the State in the first case to be reported by the Supreme Court. It is the case of State against Annice and may be found in the reports of N. Chipman at page 9. During his four years at Bellows Falls he represented the town in the General Assembly in 1802, and in 1801, 1802 and 1803 was State's Attorney of Windham county. The latter year he was defeated for Congress by James Elliott, of Brattleboro. In 1804, Judge Farrand removed to Burlington, where he remained until his death, which occurred there October 13, 1825. He was elected a member of the Council of Censors in 1813, and when the sweeping change was made in the court that year he was elected a Judge with Jonathan Hubbard of Windsor and Nathaniel Chipman. The latter was Chief Judge. Two years later the Federalist party was removed from power, and with it the Judges of the Supreme Court. From the standpoint of today the party changes that took place in our highest court at this time were anything but creditable. The present idea about the court is one of permanency and not of

party affiliation. It should be kept in mind, however, that the differences between the two parties at this time growing out of the second war with Great Britain were very marked, and that the men of the period took the most extreme views and carried the results of their political activities to great lengths, so much so that the members of the court were affected.

On the occasion of the visit of President Monroe to Burlington in 1817, Judge Farrand was selected to make the address of welcome in behalf of the citizens of the place, and no doubt the brilliance of his wit and humor pleased the Chief Executive of the nation, but it is reasonably certain that he did not outdo Robert Edmund, of Vergennes, who performed a similar service in that city in such a manner as to call forth from the President the question, "Why is not that man in Congress?"

Judge Farrand was celebrated in his profession as a lawyer, and outside of it as a man of extensive learning. If it is true that he had "a stubborn and vigorous intellect" as is recorded of him, then he had some of the attributes of a good Judge, and it would seem at this day as though his compeers would have done well to have retained him longer on the bench. He was, however, in his later years troubled with failing eyesight and compelled to retire from active business, although he did not become totally blind. When he died his professional brethren bestowed on his memory the highest compliment, declaring that "his legal attainments were of the first order," and that they were "bound to acknowledge him as one of the ornaments of the profession." The resolutions also make reference to his research in literature and science, and praise his life as it was exemplified as a neighbor, statesman and Judge.

JONATHAN HATCH HUBBARD

1768-1849

Jonathan Hatch Hubbard was born at Tolland, Conn., May 7, 1768. He received a liberal education, studied law and was admitted to the bar in 1770. He moved to Windsor, Vt., where he practiced his profession with success until 1808, when he was elected to Congress, where he served for one term. At the time of the overthrow of the Republicans in 1813 he was elected a Judge of the Supreme Court and served for two years. Dartmouth College conferred on him an honorary degree. He died at Windsor, September 20, 1849.

ASA ALDIS

1770-1847

Asa Aldis was the son of a Loyalist, who was a Massachusetts merchant of considerable wealth before the Revolution. Both his father and mother died while he was quite young, and he was brought up in the family of an aunt. After the war closed he recovered some of the property his father had possessed, including a farm which he retained until his death. Judge Aldis was born April 14, 1770, at Franklin, Mass. He entered Brown University and graduated at twenty-six. He studied law in the office of Judge Howell in Providence, was admitted to the bar and opened an office for practice in Chepachet. Not being satisfied with his location he went in search of a better place through Pennsylvania and Ohio, and returned through St. Albans, which he found so ideal that he located there in 1802. He was associated for a short time with Bates Turner in practice. He was not a natural politician, but was ardently in favor of the Republican policies of the time, especially the embargo and non-intercourse acts, and was foremost in the support of the war measures of the Republicans, had great influence in the party, and was looked up to for advice by party leaders. When the Republicans came into power in 1815 they looked for popular as well as able men to fill the places on the bench, then occupied by Federalist Judges, and Aldis was made Chief Judge. He did not seek the place nor want it. This election was the result of a political move and it met with much opposition. The duties and cares of the office did not appeal to his tastes and at the end of the year he declined re-election. Official life was so objectionable to him that not even the entreaties of the leaders of the opposing party could induce him to remain on the bench. Among these was Charles Marsh of Woodstock, a Federalist, who stood at the head of the Vermont bar. Judge Aldis returned to the practice, but ill health forbade a very active participation in it. In legal matters he was regarded with the greatest respect. He was not a student of the law, but rather employed his powerful intellect in trying to reason out what the law ought to be, and in the trial of cases how the evidence would strike the jury under the charge of the court. Both his son, Asa Owen, and his son-in-law, Daniel Kellogg, were Judges of the Supreme Court. He died at St. Albans, October 16, 1847.

RICHARD SKINNER

1778-1833

Richard Skinner was born in Litchfield, Conn., May 30, 1778, and was educated in the law school at that place. This school was the nursery of lawyers about the beginning of the last century, many of whom came to Vermont and left their lasting impress on the government and jurisprudence of our State. Judge Skinner was one of the first of the Judges who received training under the old masters of the common law (Judges Reeve and Gould), but many other men were destined to follow him in the school who were to make Vermont their home, and not a few of these early law school students took a course at Yale before studying law. It would be interesting to follow the graduates of this old-time institution into Vermont, and to trace their successful careers through the many offices which they occupied during the first half of the last century, but this is not the place to do this. Judge Skinner was admitted to the bar in Connecticut and came at once to Manchester and began practice. This was in September, 1779. Offices came to him in rapid succession. The following year he was appointed State's Attorney for Bennington county, and held that office until 1812. For the last six years of this time he was also Judge of Probate. The next year he was elected to Congress, where he served a term, then returned to Manchester and represented the town for two years in the Legislature, the last year, 1818, being Speaker. He was elected Assistant Judge of the Supreme Court in 1815 and 1816, and in 1817 was elected Chief Judge, but declined to serve. He was again State's Attorney in 1819. He was elected Governor in 1820, 1821 and 1822 and declined a further election. In 1825, on the reorganization of the court, he was elected Chief Judge, and remained in office until 1829, when he refused to become a candidate for re-election. His death resulted from injuries which he received when thrown from a carriage while crossing the Green Mountains. He died at Manchester, May 23, 1833.

History says of him that "intellectually his qualities were of that kind which gained the respect and confidence of mankind rather than immediate admiration, and as a lawyer he was noted for the clearness and force with which he presented his cases." He and his descendants have contributed generously to the school, library and cemetery in Manchester.

JAMES FISK

1763-1844

James Fisk was born at Greenwich, Mass., October 4, 1763. His father died when he was two years old, and left no means. Apparently he was self-educated. When he was sixteen years of age he enlisted in the American army and served three years. At the age of twenty-two he was elected to the General Assembly of Massachusetts and at about the same time began to preach as a Universalist minister. He came to Barre, Vt., in 1798, continued to preach occasionally, cleared a farm, studied law in his spare moments, opened practice and rapidly rose to eminence and influence. His alert mind, ready wit and power of argument, his poise of character and justice and kindliness of views, combined with his genial manner qualified him for leadership. Walton says of him that "in his form, the vigor of his intellect and the brilliancy of his mind, he much resembled Aaron Burr." He was small of stature, with keen eyes, was a brilliant conversationalist and, says Thompson, "really talented." He represented Barre in the Legislature from 1800 to 1805, in 1809, 1810 and 1815. He was Judge of the Orange County Court in 1802 and 1809, and in 1816 was elected one of the Judges of the Supreme Court. The next year he was re-elected, and he was on his way to become Chief Judge when he resigned to accept an election to the United States Senate as the successor of Dudley Chase. He had already represented his district in the lower house at Washington for four terms, serving from 1805 to 1809, and from 1811 to 1815. After remaining in the Senate for one year he resigned to accept the appointment of Collector of Customs in the Vermont district, and in 1819 removed from Barre to Swanton, where he resided for the most part during the rest of his life. In 1812 he was offered the position of Postmaster General by President Madison, but declined; and he subsequently refused a judgeship in the United States Court in the Territory of Indiana. He was a man of a good mind and sound judgment, and was an excellent reasoner; and his integrity was such that positions of trust came to him without his seeking. He died at Swanton, December 1, 1844.

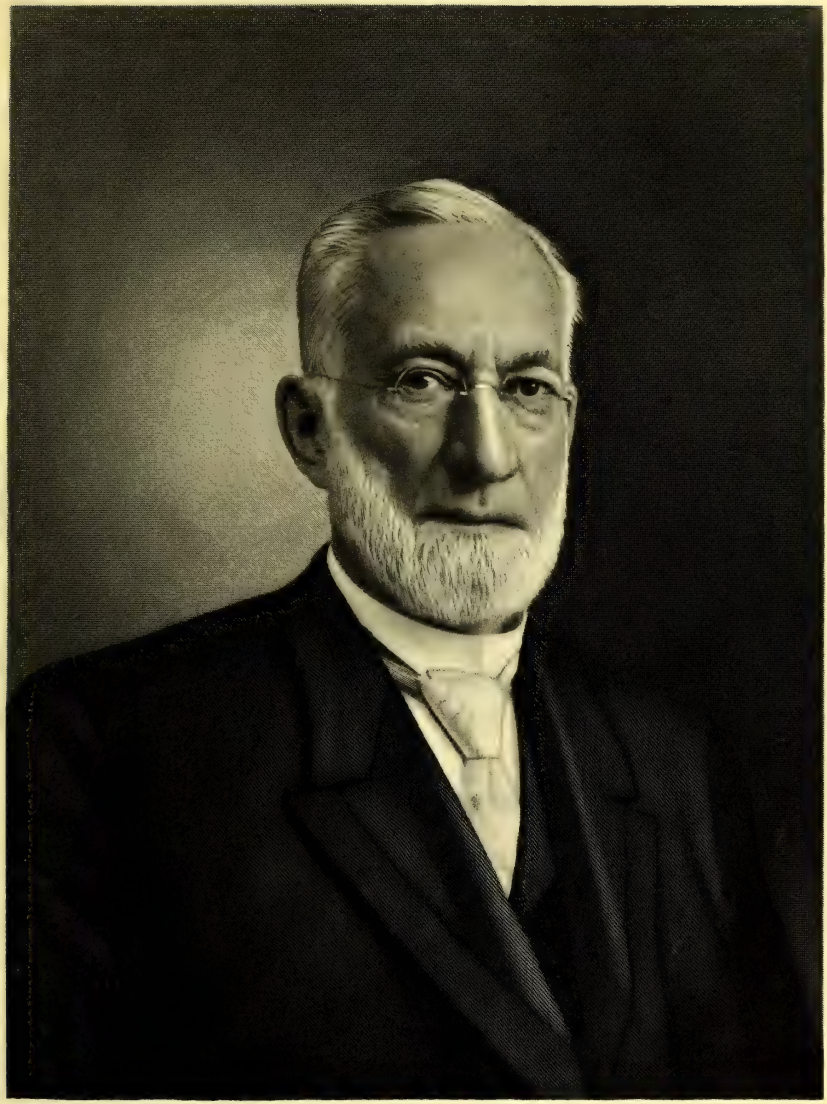
WILLIAM A. PALMER

1781-1860

William A. Palmer was born at Hebron, Conn., September 12, 1781. He had only a common school education, but a fall on the ice with an axe caused the loss of a part of one hand and rendered him

JOHN YOUNG

Born in Stanstead, Que., March 31, 1839. He graduated from Wesleyan University in 1860 with high honors. He was principal of Derby (Vt.) Academy, studied law and was admitted to the bar in 1862. He practiced at Derby Line until 1881, when he removed to Newport. He had a large practice, representing important corporations, and was recognized as one of the ablest lawyers in the State. He was elected to the House of Representatives in 1864 and to the Senate in 1898. He was elected president of the Vermont Bar Association in 1901. He married Augusta A. Young in 1866 and one son, George B. Young, was born to them.



John Young

unfit for physical labor. This induced him to take up the study of the law, which he pursued in the office of Judge Peters, in Hebron, and in the office of Daniel Buck, in Chelsea, in this State. He had come to Chelsea in 1800, and after being admitted to the bar there spent a short time in the office of William Baxter of Brownington, then moved on to Derby, and afterwards settled in St. Johnsbury about 1805. He was soon after appointed Judge of Probate for the Caledonia district and also County Clerk. He held the office of Judge seven years, and that of Clerk eight years. He moved to Danville, where he remained the rest of his life, dying there December 3, 1860. He was six times elected Representative of Danville to the General Assembly, was a delegate to three Constitutional Conventions, and in 1836 was one of the first Senators chosen. After he had completed his term as State Senator he was appointed Judge of the County Court, and served as such for two years. He was elected a Judge of the Supreme Court in 1816, and re-elected in 1817, but declined to serve further. In 1818 he was elected United States Senator to fill out the unexpired term of James Fisk and the full succeeding term. His service was during the time the Missouri Compromise was before Congress, and he voted at certain stages for the measure. He was the only Senator from the State who ever cast a vote in favor of the slave interests, but he insisted to his dying day that he was right, not because he approved of slavery, but because he stood at that early day on what afterwards became the Douglas idea of squatter sovereignty as the only doctrine consistent with compromise and the Constitution. His stand for the compromise made him unpopular at the time, but on his return home after his services in the Senate he was sent to the House in 1827. He was elected Governor in 1831 and re-elected until 1835. In 1831 and 1832 he was elected in the Legislature by one majority. His office of Governor terminated his public career except as a delegate to Constitutional Conventions. He was a Jefferson Republican and adhered to the Democratic side from Jefferson to Buchannan, save during the Anti-Masonic excitement. It is recorded of him that he "was honest and just in his business transactions and estimable in all relations of life, and was a man of strong, natural abilities, possessing a decided and penetrating mind." It was further said of him that he was "too benevolent, loving his neighbor better than himself. He had high social qualities, with great simplicity of manners."

DUDLEY CHASE

1771-1846

One of the interesting and brainy Judges of his time was Dudley Chase. He was an uncle of Salmon P. Chase, Lincoln's Secretary of the Treasury, and later Chief Justice of the United States Supreme Court. Dudley Chase was born at Cornish, N. H., December 30, 1771. Though poor, he managed to procure a college education and graduated with honor at Dartmouth in 1791. He studied law with Lot Hall at Westminster and located in Randolph, where he remained all his life and died February 23, 1846. He was State's Attorney of Orange county from 1803 to 1811; member of the Constitutional Conventions of 1814 and 1822; member of the General Assembly from 1805 to 1812, and the last five years Speaker. He closed his service in the House with such popularity that he was elected to succeed Stephen R. Bradley as United States Senator, but resigned his seat in 1817 to accept an election as Chief Judge of the Supreme Court. He was re-elected to this position until 1821, when he retired to practice law. Again representing Randolph in the House in 1823-24 he won such popularity that he was elected to the Senate a second time. He retired from public life at the end of his term in 1831, and devoted the last of his years to farming and gardening, in which he found great delight. On the occasion of his last election as Senator his competitor was Samuel Prentiss, of Montpelier. Both were members of the General Assembly and occupied the same seat while the election was in progress. In 1830, Judge Prentiss succeeded Judge Chase as Senator.

Judge Chase did not observe the usual conventions in respect to relinquishing his law practice when he became a Judge, but deemed it his right and duty to finish the work that his clients had committed to his care rather than turn it over to other members of the bar. One of his cases was on the docket of the Washington County Court, where he was called to preside soon after his election to the bench. He first sat in the cases in which he was not interested, and when these were tried he called one of the other Judges to preside, and doffing the judicial ermine and putting on the robes of the advocate, entered the bar and tried his case. He was making his argument to the jury when an habitual frequenter to the court dropped in, who had seen the Judge presiding during the term and supposed he was still acting as such, although he was speaking from a different place in the court room. As he passed out he met a crony who inquired if the case was finished and was informed that it was nearly so, "For," said the spectator, "the Judge is charging and he is going it like h—l for the defendant."

Judge Chase was portly and commanding in appearance, like the great Secretary, of winning address, and well-balanced mind. He was admirably fitted for judicial office.

JOEL DOOLITTLE

1773-1841

Joel Doolittle came to Middlebury in 1800 as the first tutor in Middlebury College. He was born in Russell, Mass., in 1773, and graduated at Yale in 1799. He was admitted to the bar in 1801 and obtained an extensive law practice in Middlebury. In 1817 he was elected a Judge of the Supreme Court. He was re-elected for the five following years and again in 1824. In the latter year he represented Middlebury in the Legislature. He was a member of the Governor's Council for three years before becoming Judge, and in 1834 was a member and president of the Council of Censors. For a score of years he was a member of the corporation of Middlebury College, and was active in its behalf and interested in education. He applied the studious habits which he had acquired in his college work to his labors as a lawyer and Judge, and performed his duties, both to his clients and the public with fidelity. After his retirement from the bench in 1825 he resumed practice at Middlebury and continued therein until 1841. He died at Middlebury, March 9 of that year.

WILLIAM BRAYTON

1787-1828

William Brayton was born at Lansingburgh, N. Y., August 22, 1787, and when he was thirteen years of age was a student at Williams College, but did not graduate. He came to Franklin county, studied law, was admitted to the bar in 1807, and located in Swanton. He married Hortentia Penniman, daughter of Jabez and Frances Penniman. The latter was the widow of Ethan Allen. He was made Chief Judge of the Franklin County Court in 1815; represented Swanton in the General Assembly in 1817, was chosen Judge of the Supreme Court at that session and served in all by continuous elections five years. After he became Judge he removed to St. Albans and after leaving the bench to Burlington, where he practiced until his death, which occurred at the latter place, August 5, 1828. He was the author of the early reports of the decisions of the Supreme Court known as Brayton's Reports.

CORNELIUS P. VAN NESS

1782-1852

Cornelius P. Van Ness came of a prominent and wealthy Dutch family and was born at Kinderhook, N. Y., January 26, 1782. He prepared for college but did not enter. He entered the law office of his brother, William P. Van Ness, in New York, where he studied law in company with Martin Van Buren, was admitted to the bar in New York in 1804 and began practice in Kinderhook, where he remained for two years, when he removed to St. Albans, Vt. He practiced at St. Albans from 1806 to 1809, when he took up his residence in Burlington. He soon began a career as an office holder, and during his eventful life held many positions of trust in the State and Federal governments. He was appointed without solicitation United States District Attorney for Vermont. This office was one of great importance at the time due to the attempted smuggling of merchandise by way of Lake Champlain from Canada. The office was so faithfully administered that it led to the appointment to the more important trust of Collector of the port of Burlington, to which he was transferred in 1813, and which he held until the termination of the war with Great Britain. During his administration of this office Burlington was the most important revenue port in the country for the reason that the sea ports were closed on account of the war. When the war came to an end he was appointed one of the Commissioners to settle the national boundary under the treaty of Ghent, and displayed rare fitness and ability in the discharge of his duties.

When the duties of this task were over he continued to practice law in Burlington "for the love of it," as it was said; but he was soon called upon to take up public duties again, this time as a member of the General Assembly, where he served from 1818 to 1820. In 1821 and 1822 he was elected Chief Judge of the Supreme Court, and in 1823 Governor, to which office he was twice re-elected without opposition. He was then forty-four years of age and stood in the front rank of his profession, where he had practiced for almost twenty years; he had wielded the Federal patronage of the State for a decade as well as that of the State during his term as Governor; he had attended to bestowing the honors of the State upon General Lafayette in 1825, in a manner that was worthy of the distinguished visitor; he had entertained with a generous hospitality and distributed his favors with shrewdness that was mixed with kindness and good fellowship. He aspired to the Senatorship, which he felt sure he could obtain, and his mortification came when the honor he coveted was taken from him by Senator Seymour. The fight was a long and

bitter one and he was defeated by six votes which he charged to the administration of John Quincy Adams and persons in New York City who were hostile to him. It was the most exciting political fight ever held in the State, and when it was over Judge Van Ness issued a manifesto in which he directly charged the Adams administration with his defeat, and at the same time abandoned it. Before the election of 1828 his old power had been pretty generally broken in the State which was carried for Adams by a strong majority. But the country went for Jackson, who appointed Judge Van Ness Minister to Spain, where he remained for ten years and discharged his duties with ability and success. He returned to Vermont in 1840 and made a determined effort to carry the State for his fellow law student, Van Buren, for President, but his influence was gone and he was unsuccessful. He then left Vermont for New York, where he was appointed by President Tyler Collector of the port of New York, a position which he held for a short time in 1844 and 1845. He continued to reside in New York thereafter, and on the death of his brother, Gen. John P. Van Ness, in Washington in 1846, he became administrator of his estate and spent much of his time in Washington until his death, which occurred at Philadelphia, December 15, 1852.

The citizens of Burlington retained a fondness for Judge Van Ness after his defeat in the senatorship contest, for they turned out *en masse* to receive him when he returned from his mission to Spain. An amusing incident occurred at this time. A stranger stopping at one of the Burlington hotels inquired of the landlord who the man was that the whole populace turned out to greet, and received the answer that "years ago he practiced law here, but he has been gone several years and I believe he has been a minister in a penitentiary out in Spain."

In an obituary sketch published in the *New York Evening Post* just after his decease the character of Judge Van Ness is thus summed up: "Governor Van Ness neither felt nor affected love for literature; troubled himself little with theoretical speculations or with abstract principles, except as connected with the kindred sciences of law and politics, which few men more thoroughly studied and understood; this concentration of mind and effort was the secret of his success. Without imagination, using language plain but expressing always the precise idea he wished to convey, disregarding decoration, his reasoning, compacted link within link, glowed with the fire of earnestness and conviction, or rather his speech was a torrent of impassioned argument as clear as it was rapid, capable of sweeping away juries and assemblies, and of moving from their moorings the anchored caution and gravity of the Bench."

CHARLES K. WILLIAMS

1782-1853

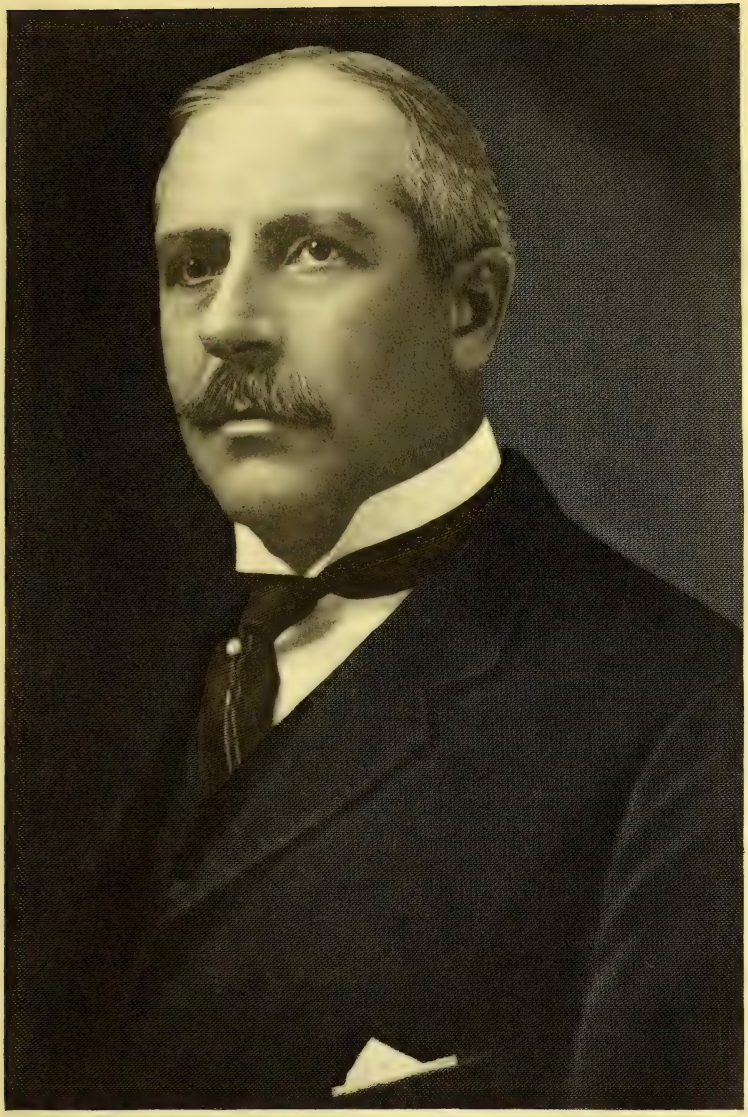
The father of Charles K. Williams was a philosopher and historian. He came to Vermont from Cambridge, Mass., where he was an instructor in Harvard College. His two-volume history of Vermont is one of the best contributions to our early literature. Charles K. Williams was born at Cambridge, January 24, 1782, and came to Vermont with his father in 1790. He graduated at Williams College in 1800. He studied law in the office of Chauncey Langdon of Castleton, whose daughter he subsequently married, and with Cephas Smith, of Rutland, who was Clerk of the United States courts for the district of Vermont. He was admitted to the bar in 1803 and located at Rutland, where he resided thereafter and died March 9, 1853. He served in the campaign on the northern frontier in the War of 1812 and acquired the militia title of General. He practiced his profession in Rutland until 1822, and during this time was a member of the General Assembly in 1809, 1811, 1814, 1815, 1820 and 1821. In 1822 he was elected Judge of the Supreme Court and served two terms. He declined re-election, was appointed Collector of Customs and served through the administration of President Adams. In 1829 he was again elected Judge and in 1833 was made Chief Judge and served until 1846, the longest term as Chief Judge in the history of Vermont, with the exception of Chief Judge Pierpoint. From 1850 to 1852, Judge Williams was Governor.

He was a member of the corporation of Middlebury College from 1827 to 1843, from which he received the degree of Master of Arts. He had a similar degree from Williams College and the degree of Doctor of Laws.

Judge Williams stands high in the jurisprudence of Vermont. As a lawyer he was a leader. His manner was courteous and affable. He was quick and impulsive, and possessed a fine sense of honor. He had large general knowledge, and was a good conversationalist. As a Judge he possessed great readiness of apprehension, quickness of decision and a keen sense of justice. He was sympathetic and impulsive, and could not conceal from the bar and jury what he considered the right or the wrong of a case. As a trial Judge he directed the trial himself, and did not wait for counsel to make objections when witnesses were asked improper questions, but came to their rescue when they were being unfairly treated. He held night sessions of the court. In charging the jury he stood, and required the jury to stand. He read largely from his minutes of the evidence and marshalled and applied the testimony as it bore on the different points in the case. In this way the jury came to see his point of view in

FREDERICK B. JENNINGS

Born in Bennington Center, Vt., in 1853. He graduated from Williams College in 1872 and later from the Harvard and New York University Law Schools. He was admitted to the bar in 1875. In 1874 he entered the office of Evarts, Southmayd and Choate in New York. In 1880 he formed the firm of Jennings and Russell, which in 1894 became Stetson, Jennings and Russell. He was general counsel for and director of the Associated Press, counsel for and director of the International Paper Company, director of the New York Trust Company, and many other corporations, president of the First National Bank of North Bennington and a trustee of Williams and Barnard Colleges. He married Lila Park Hall of North Bennington, July 27, 1880, and four children were born to them, one daughter and three sons. Mr. Jennings died at his home in New York City, May 26, 1920.



Frederick B. Jennings

the case, and to understand what his opinion was as to its merits. It was said of him that no Judge in Vermont was ever more justly or highly esteemed, and that his opinions received merited commendation from great law writers and Judges, and that our reports bear more distinctly the impress of his work than any other. He must have been dignity personified, for it is said that in all his nineteen years on the bench he never smiled but twice. One of these occasions was when the irrepressible Jacob Maeck was making an argument before the Supreme Court. Judge Williams told him he need not discuss the point because it had been decided. "It has?" said Mr. Maeck. "Yes," said Judge Williams, "in the 10th Vermont." "Where?" said Mr. Maeck, putting his hand to his ear. "In the 10th Vermont," repeated the Judge. Mr. Maeck gravely bowing replied: "I will buy the book, Your Honor." Another occasion was when Joshua Sawyer of Hyde Park offered a deed from a black woman "to show *color* of title" to a piece of land where her cabin had remained for a long time, and she had exercised the right of squatter sovereignty thereon.

ASA AIKENS

1788-1863

We have now sketched forty of the early Judges of Vermont, who held office over a period of fifty-five years, and have come to the first native-born Vermonter who sat in the Supreme Court. Asa Aikens was born in Barnard, Windsor county, January 13, 1778. He entered Middlebury College in 1804, but was transferred to the Military Academy at West Point as a cadet, and passed the last year of his college course in that institution. At the end of his course he returned to Middlebury and studied law in the office of Joel Doolittle. In 1812 he served as Captain in the Thirty-first Regiment of the United States Infantry. He located at Windsor in 1812, and represented the town for two years in the General Assembly, and was for two years State's Attorney. He was elected Judge of the Supreme Court in 1823, and served until the change in the judicial system in 1825. Upon the reorganization of the court he was appointed editor of the decisions, and issued two volumes which bear the title of "Aikens' Reports." He also published "Aikens' Forms," which were extensively used by the profession until recently.

Judge Aikens moved to Westport, N. Y., in 1843, which was afterwards his home. He was formally admitted to the bar in New York, but did not practice to any considerable extent. He devoted much time to the compilation of a work called "Aikens' Tables."

These were tables of interest, discount, annuity values, rents, etc., with an almanac of the last half of the nineteenth century and the Northampton Life Tables. This was a valuable work and has been of much service to the courts and banks. He was a careful, painstaking man, accurate in his work and faithful to the duties imposed on him. Two-thirds of the opinions reported in the second volume of D. Chipman's Reports were written by him. Judge Redfield refers to Judge Aikens as "an excellent lawyer." He died suddenly at Hackensack, N. J., July 12, 1863, and was buried in Trinity Cemetery in New York City.

SAMUEL PRENTISS

1782-1857

The full sketch of Samuel Prentiss appears among the outlines of the Federal Judges. Judge Prentiss was the author of the act which made an important change in the courts in 1825. Until that year the three Judges of the County Court were usually laymen. Occasionally a lawyer appeared among these Judges, but these instances were rare. These courts endeavored to do justice, but a careful adherence to the principles of the law was not to be expected from men who were not trained in it. The system was so changed that the Chief Judge of the County Court should be one of the Judges of the Supreme Court. The system worked admirably. The courts have been conducted with more dignity, the rights of litigants have been better protected, and the confidence of the public in the courts has been strengthened. Ever since the passage of the act in question the presiding Judge in County Court has been a lawyer, and while the two assistants have not been members of the profession as a rule, it has sometimes happened that they, too, have belonged to the bar. Under the present system one of the Superior Judges presides in the County Courts, but the justices of the Supreme Court have the same powers should it become necessary for them to sit in County Court. The old courts, made up as they were of laymen, are so firmly entrenched by the Constitution and laws and in affections of the people, that it has not been possible to depart from the custom of having their local representatives sit in the County Courts. Every effort to alter the Constitution so as to eliminate the Assistant Judges has proven futile. It is said that Vermont is the only State that has courts made up in this manner, and there are many who would like to see the Assistant Judges abolished and the court conducted by the presiding Judge alone. On the other hand, it is argued that the Assistant Judges are useful in the trial of questions of fact in cases where jury is not called, and

that with the one lawyer and the two laymen as good results can be obtained as with a jury and at less expense. The Assistant Judges have charge of the county property and hold inquests. They are not very useful in jury trials, but their helpfulness on questions of fact cannot be denied, and on the whole, after an experience of over thirty years in practice and on the bench, I am inclined to think that they are a benefit rather than a hindrance in the administration of justice. I should not dare to ask one of them what he thinks of a question of law, and particularly a question of evidence, for fear that having gone for advice I should feel that I must follow it if given, and it would be more apt to be wrong than my own judgment, but I know that I feel surer of the facts if my associates and I agree about them. As I make this record I am reminded of some rare cases where the Supreme Court has said that the Assistant Judges were right when overruling the Presiding Judge. But there are other cases where it has been said they were wrong in so doing.

TITUS HUTCHINSON

1771-1857

Titus Hutchinson was born at Grafton, Mass., April 29, 1771, and came with his father from Hebron, Conn., to Pomfret, Vt., on the birthday of the nation, July 4, 1776. His early opportunities for an education were limited. He worked on the farm until his nineteenth birthday, when he began his preparations for college, and two years later was prepared to enter Dartmouth two years in advance, but the college rules there required the payment of tuition for the full course, which the parents thought unjust, so he entered Princeton instead, where he graduated with honor after two years, delivering the English salutatory oration, the second honor in the class. He studied law in the office of his brother, Aaron, at Lebanon, N. H., and was admitted to the bar at Chelsea in 1798. He settled at Woodstock where there was already one lawyer, Charles Marsh. In 1813, Judge Hutchinson was appointed United States Attorney for the district of Vermont, and held that office for ten years. Upon the re-organization of the Supreme Court in 1825 he was elected second Assistant Judge, and in 1830 was elected Chief, and served until 1833, when he was defeated by Judge Williams. The opposition which developed against Judge Hutchinson in 1833 was due in considerable measure to his conduct in the case of State v. Cleveland, heard at Irasburg in April, 1830. The case was for murder, and as the statute then provided another Judge of the Supreme Court sat with him in this case,

Judge Paddock. Cleveland was convicted and sentenced to be executed on the last Friday of the next October. He had taken many exceptions during the trial and these had been allowed and would have been heard in the regular order of events at the Supreme Court, which would meet in April, 1831, five months after the execution was to take place by the terms of the sentence. The blunder was corrected by the Legislature which met early in October and commuted Cleveland's sentence to one of imprisonment in the State Prison. But the error was urged strongly against the Chief when he presented himself for re-election, and the fact that Judge Williams had served on the bench before Judge Hutchinson was elected was another argument advanced why the former Judge should be elected in his place. The election was close and was carried by a majority of three in a total of two hundred and thirty-three votes.

Judge Hutchinson retired at the close of his judicial duties from active participation in matters of his profession, although he occasionally engaged therein. In his latter years he labored upon his farm. He was a popular man and could have secured any preferment within the gift of the people. His friends often urged him to become a candidate for Congress, but he steadily refused. He was an early abolitionist and the candidate of his party for Governor at a time when its members were very few. He died at Woodstock, August 24, 1857.

STEPHEN ROYCE

1787-1868

Stephen Royce, of Franklin county, was for twenty-five years a member of the Supreme Court and for six years its Chief Judge. The Royce family has produced some of the brainiest men who have found their way to the bar and the bench of Vermont. Judge Stephen Royce was the grandson of Maj. Stephen Royce, a Revolutionary soldier and a member of the Dorset convention that declared Vermont's independence, and the son of Stephen Royce, also a Revolutionary soldier, who was Berkshire's first Representative in the Vermont Legislature. On his mother's side he was the grandson of Dr. Ebenezer Marvin, likewise a Revolutionary officer, who was with Allen at the capture of Ticonderoga, a surgeon in the Continental army, a Judge in the County Courts in Rutland, Chittenden and Franklin counties, and a member of the Governor's Council. There have been several members of the family who have distinguished themselves in the law, but the best known and most conspicuous was

his nephew, Homer E. Royce, who was a member of Congress and Chief Judge of the Supreme Court. It is easy to trace the Royce family for six generations through Judge Homer E. Royce. His son, the late H. Charles Royce, was the most learned lawyer at the Franklin county bar at the time of his death in 1912. He married Christie, a daughter of Bishop Burgess, and their son, Alexander, a very brilliant young man, graduated at Yale, was a Major in the World War, and afterwards completed his course at the Harvard Law School, and entered the law office of Elihu Root, the leader of the American bar, in New York City.

Judge Stephen Royce was born at Tinmouth, August 22, 1787, but removed with his parents in 1791 to Franklin, and two years later to Berkshire. His opportunities for schooling were meagre, but his mother, Minerva Marvin Royce, taught him and developed his character until at the age of thirteen he was sent to Tinmouth to attend the common school, a year later began an academical course under the instruction of Charles Wright, of Middlebury, and in 1803 entered Middlebury College, where he graduated at the end of a four years' course which had been twice interrupted because he was called home to help his father on the farm. He made journeys back and forth on foot and brought back with him packages of furs which he had secured in the wilderness, which he sold, and with the money obtained purchased his necessary school books. At the age of twenty-one he began the study of the law in the office of his uncle, Ebenezer Marvin, Jr., at Sheldon, with whom he was afterwards in partnership. He where he remained for six years and represented the town in the Legislature in 1815 and 1816. The next year he located in St. Albans, where he lived for the remainder of his active life, and practiced until his elevation to the bench. He represented St. Albans in the General Assembly in 1822, 1823 and 1824, and as a delegate to the State Constitutional Convention in 1823. He was State's Attorney of Franklin county from 1816 to 1818 and Judge of the Supreme Court in 1825 and 1826, when he declined a re-election and resumed practice until 1829, when he was again elected to the bench and served continuously until 1852, becoming Chief Judge in 1847 and refusing to continue in office after 1852. In 1854 and 1855 he was elected Governor, and at the end of his second term retired to private life, of which there were twelve years in store for him. He spent these years attended by nephews and nieces, for he was never married, and died at Berkshire, November 11, 1868, where he had made his home after his retirement from the bench. Here in the evening of his days he made a beautiful picture surrounded by the hospitality of friends and blessed with the amenities of social intercourse, the companionship of books and the care of loving kindred.

As I am writing this sketch I am seated beneath his portrait, an oil painting which hangs in the Judges' room in the court house at St. Albans, and am thinking of Smalley's description of the man as being "tall, erect, with a vigorous and well-proportioned frame, of a commanding presence and a serene majesty of manner. His face was mobile, expressive and strongly marked. The gleam of his mild gray eye illuminated his countenance and revealed every emotion, whether grave or gay, that was passing within, moving the looker-on by a sort of magnetic influence to sympathize with him." I wonder what he would say to me if his lips could move again in life and he could draw the outline of his own career as a lawyer and a Judge. One thing is made plain by others who have sketched him, and that is that professionally he had a high sense of honor. Like Lincoln, he could not argue the wrong side of a case and he did not intend to take a fee in a case where the justice was on the other side, and if he made this discovery after his employment he would induce his client to settle or abandon the case. As a jury advocate he held a prominent place at the bar. His mind was discriminating and his statement clear and convincing. He carefully examined his witnesses and was skilful in discovering any falsehoods that came into the case against his side. And in argument he sought to instruct the jury by a well-considered and careful statement of the case on the evidence rather than a display of wit or sarcasm. He was not one who went to the court with many citations of authorities, but relied on general principles and arguments drawn therefrom.

As a Judge he was best known. It was not easy for him to decide his cases and he was even called the "doubter," after Lord Eldon. He was an excellent presiding officer, and as a County Court Judge one of the best. Instead of following the method of Judge Williams, and making his personal opinion in the case directly felt, he left the questions to the jury to decide, but took all pains possible that the evidence should go in uninterrupted and in an orderly manner, so that the jury could understand it. Sometimes he would call on a witness to repeat some part of his testimony so as to make sure it was understood.

He was kind to the younger members of the bar, and would look over their papers and correct their errors. Such a man would naturally be a good equity lawyer and a great equity Judge; and he was profoundly learned in the principles of equity.

His opinions while sitting as a Judge of the Supreme Court are models of clearness in judicial statement. He never wrote a legal essay when trying to dispose of a case, but stated the case in hand and the legal principles governing it and the decision that resulted from their application. He refused to report cases when no new legal principle was involved, and it is said that he also refused to report some

when he was satisfied on a review of the case that his decision had been wrong, holding that it was bad enough to have done an injustice without sending it out as a precedent for future wrongs. These omissions to report involved him in trouble at one time; the Legislature withheld his salary on this account, but he was not moved. A friend writes of him as he appeared after his retirement from public life, but still full of intellectual and physical life, "The treasures of information, the fund of anecdotes and personal adventure, especially the amusing and comical scenes in and about courts, in which his experience had been so wide and varied, which were garnered in his retentive memory, were here unlocked and produced for the entertainment of his guests, arrayed in his own inimitable garb of quiet humor."

BATES TURNER

1760-1847

Bates Turner was born in Canaan, Conn., in 1760, and entered the Revolutionary army at sixteen years of age. After the war he studied law at the Litchfield Law School and was admitted to the bar in Connecticut. He soon afterward came to Vermont and settled in Fairfield in 1796, supposing that place would be made the shire of Franklin county. He removed to St. Albans in 1804 and formed a partnership with Asa Aldis, but they did not continue long together, and on the dissolution of the firm Turner returned to Fairfield and established a law school, the only one in the history of the State, except that kept by Judge William C. Wilson. During his professional life he instructed nearly one hundred and seventy-five law students. With a design of establishing a more permanent school he moved to Middlebury in 1812, but not receiving adequate encouragement returned to Fairfield. The three-story building where he intended to hold his law school in Middlebury still stands on Seminary Street in that village. Soon after his return to Fairfield he again removed to St. Albans, and in 1827 was elected one of the Judges of the Supreme Court, serving for two years, when he returned to his profession.

At the time of his election to the bench he was the oldest lawyer to have been called to that station. He was sixty-seven years of age. In 1906, when the courts were divided, Judge Waterman was elected a Superior Judge and was then of the same age as Judge Turner at the time of his first election to the Supreme Court. There have been no other instances where men of this age have been advanced to the bench, but most of the Judges have served beyond this age who were called to the bench earlier.

Judge Turner was a sound lawyer, a fair-minded and skilful practitioner, and an amiable and courteous gentleman. He prepared more men for admission to the bar than any lawyer who ever lived in the State, and I think it is said that at one time he had more law students than any law school in the country. He died at St. Albans, April 30, 1847.

EPHRAIM PADDOCK

1768-1859

Ephraim Paddock, of St. Johnsbury, was born at Tolland, Conn., May 7, 1768, and came as a young man from Massachusetts to Vermont. He had few advantages in an educational way as a young man, but made such good use of these that on coming to Caledonia county he was employed for two or three years as an instructor in Peacham Academy. He began the study of law in St. Johnsbury, and by diligence became a careful and discriminating lawyer. He was a man of excellent character and studious habits. He represented St. Johnsbury in the General Assembly from 1821 to 1826, inclusive; was a member of the Constitutional Convention in 1828, and of the Council of Censors in 1841. He was elected a Judge of the Supreme Court in 1828 and served until 1831, when he retired, preferring private practice to life on the bench. He remained at work in his profession until 1848, when he gave up its duties for quiet and peace. Eleven years were allotted him for the pursuit of these, and he died at St. Johnsbury, July 27, 1859.

JOHN C. THOMPSON

1790-1831

John C. Thompson was born at Westerly, R. I., in 1790. He studied law in Hartford, Conn., and was there admitted to the bar about 1813. He came at once to Windsor and remained until 1818, when he removed to Hartland. In 1822 he removed to Burlington, which was his residence until his death. He rose rapidly in his profession and in public favor. In 1827 he was elected a Councillor, and held that office until elected a Judge of the Supreme Court in 1830. Before his first year of service was ended he was taken sick while on his way from Burlington to Montpelier in a stage coach and died a few days later. Before his elevation to the bench he had obtained an extensive practice in Chittenden and adjoining counties, and took

JOHN W. SIMPSON

Born October 13, 1850, in East Craftsbury, Vt., of Scotch ancestry. His father, James W. Simpson, was prominent in State affairs. The lad was educated in the public schools of Morrisville and Stowe and at Johnson Normal School. He entered Amherst College, where his record was a brilliant one. He won several prizes and was distinguished for oratorical ability. He graduated in 1871 and studied in Columbia Law School, graduating in 1873. The same year he became associated with Alexander and Green, then one of the best-known corporation law firms, and he specialized in real estate and corporation law. In 1884 the firm of Simpson, Thacher and Barnum was founded, which later became Simpson, Thacher and Bartlett. Mr. Simpson was active in railroad organization and industrial corporation work. He held many important directorships. Amherst gave him the degree of LL. D. and he was a life member of its board of trustees and chairman of its finance committee. He was a lover of beautiful pictures, fine porcelains and rare books. He was accustomed to spend his summers at his boyhood home in Craftsbury, Vt. In 1889 he married Miss Kate Seney of Brooklyn. One daughter was born to them, Jean W. Simpson. Mr. Simpson died May 16, 1920.

John W. Simpson

high rank, especially with the Supreme Court. But one opinion of his is reported, that of Crofoot v. Moore, 4 Vt., 204. The other cases assigned to him were reported by Hutchinson, C. J., after his death. He succeeded Judge Prentiss and was followed by Judge Phelps, two of the ablest of the Vermont Judges. He died at Burlington, June 27, 1831.

NICHOLAS BAYLIES

1768-1847

Nicholas Baylies, of Montpelier, was born at Uxbridge, Mass., April 9, 1768. He remained at home on the farm until he was nineteen years of age, when he fitted for Dartmouth College, where he graduated in 1794. He studied law with Charles Marsh at Woodstock, with whom he formed a law partnership which continued for a number of years. He removed to Montpelier in 1810 and remained there until 1836, when he located in Lyndon, where he resided at the time of his death, August 17, 1847. He was a scholarly man and was the author of a three-volume "Digested Index to the Modern Reports," published at Montpelier in 1814, and commended at the time by James Kent and Judge Parker, a work which is now practically useless. He also published a theological work on free agency. He was State's Attorney in 1813, 1814 and in 1825, and Judge of the Supreme Court in 1831, 1832 and 1833. After removing to Lyndon he practiced in company with his son-in-law, George C. Cahoon. He argued a case in Montpelier before the Supreme Court a few days before his death. He was buried in Montpelier.

Judge Baylies was active and instrumental in establishing the Vermont State Library as well as the reports of the Supreme Court. He was a man of great industry and labor, and learned in the reports.

SAMUEL S. PHELPS

1793-1855

The most powerful and gifted man who has sat in the Supreme Court of Vermont was Samuel S. Phelps, of Middlebury. He was born in Litchfield, Conn., the birthplace of many of the great men who came to Vermont early in the last century, May 31, 1793. He came from a family that for generations had been intelligent, well-to-do farmers. He entered Yale at the age of fourteen and graduated in 1811. He began his legal studies in the celebrated law school at

Litchfield, where he remained for a few months and, in 1812, removed to Middlebury, entering the law office of Horatio Seymour, who had himself come from Litchfield. He served in the War of 1812, first in the ranks and then as paymaster. He was admitted to the Addison county bar in 1815, and made rapid progress toward professional eminence in a field where Horatio Seymour, Daniel Chipman, Robert E. Bates and Robert Edmond were competitors. He was a member of the Council of Censors in 1827, and wrote the address of that body to the people of the State in which he argued for the abolition of the Governor's Council and the establishment of a Senate as the other branch of the Legislature, an argument that failed at the time but won in 1836. In 1831 he was elected a member of the Governor's Council and the same year chosen a Judge of the Supreme Court. To the latter place he was re-elected at each session of the Legislature until 1838, when he was chosen United States Senator to succeed Benjamin Swift. He was re-elected to the Senate in 1844, though he had one of the most disagreeable fights that the State has ever witnessed. In January, 1853, on the death of Senator Upham, of Montpelier, he was appointed to the vacancy in the Senate on the recommendation of the Vermont delegation in Congress, although he lived on the west side of the State. This appointment was made for the reason that he was in Washington at the time, and the Whigs needed his vote in the Senate before anyone could reach the capital from Vermont. Judge Phelps remained in Washington through the session and returned the next winter to claim his seat, but as the Legislature had met and failed to make any election the Senate refused to admit him on the ground that an executive appointment did not continue after a session of the Legislature had intervened at which an election could have been had.

Judge Phelps retired at this time from public life, though he still continued to practice in important cases. He had much the same experience as Webster in the Senate on the subject of slavery, for while he made a speech of remarkable eloquence and power in answer to Calhoun and Berrien on the bill for the exclusion of slavery from Oregon, and had been fully committed to the Wilmot Proviso, yet he was a member of the committee of thirteen that reported favorably on the Clay compromise measures of 1850. In this way he lost much of his influence both at Washington and at home. He was regarded, however, as one of the very best lawyers in the Senate, and as "a man of rare ability and equalled by few as a forensic debater." When it is considered that the Senate at this time was made up of men like Webster, Clay, Calhoun, Cass, Benton, Marcy, Wright and Douglas, this is a very high compliment. Webster himself pronounced him one of the ablest lawyers in that body, and Chief Justice Chase, who

was with him in the Senate, said that in power of clear, convincing statement he had no peer in that body.

Before Judge Phelps reached the bench he was regarded as the foremost advocate in southwestern Vermont, and a master of legal principles. More than thirty years ago I remember hearing an old man in Windham county describe an occasion when Judge Phelps was associated in a case with Oscar L. Shafter of Wilmington, the leader of the Windham county bar and afterwards Judge of the Supreme Court of California, who told me that Judge Phelps' client said that "he subsoiled Shafter at every point."

There were several elements of power that accounted for Judge Phelps' leadership at the bar. In the first place, he had the advantage of a fine figure and commanding presence. He was tall, erect, finely moulded and well proportioned, with an easy, graceful and dignified carriage. His physical appearance was such that he would command attention and admiration anywhere. He had a fine style of expression, an attribute that distinguished his son, Edward J. Phelps, above any man that Vermont ever produced. He had besides great power of analysis and generalization. No question seemed new to him. His application of the principles of law was quick and conclusive. No Judge ever sat in a Vermont court who could dispatch business so rapidly. In one term in Rutland county, not exceeding four weeks in length, forty-three verdicts were rendered in his court. It is not said of him that he was often reversed by the Supreme Court, and we must assume that these cases were correctly tried. His remarkable capacity in this regard was due to his clear and quick legal perceptions, which saw the vital point in the case and directed the evidence to it, to his thorough acquaintance with the rules of evidence, and to the precision of his charges to the jury. He was enabled to dispose of many cases without trial upon the statements of counsel. When he had heard these he would announce that the action could not be maintained or that the claimed defence was no defence and would direct a verdict accordingly. This and like modes of speedy trials did not always please the bar, who characterized this process as a decapitation of the case rather than a trial.

He argued several cases before the United States Supreme Court with great ability, among them the West River bridge case, where he prevailed against Mr. Webster on a question of constitutional law. In the Woodworth Planing Machine patent case, which Judge Phelps argued before the same court, Justice McLean pronounced his argument as the ablest address to the court that had been delivered at that term, though many distinguished counsel were present in that case alone.

Judge Phelps was a delightful man in social life. He was a capital story-teller, had a fine sense of humor, loved to converse,

was free in the expression of his opinions, and full of anecdotes. His charm can readily be imagined by any one who ever knew and conversed with Edward J. Phelps. The latter was in Washington with his father, as a young man, during part of the time that Judge Phelps was Senator. Judge Phelps died at Middlebury, March 25, 1855.

JACOB COLLAMER

1791-1865

Jacob Collamer, by some critics regarded as "the ablest man who has adorned the annals of Vermont," was born at Troy, N. Y., January 8, 1791. His father was a soldier in the Revolution and belonged to a family that for generations was prominent in Massachusetts. His father came to Burlington, probably in 1795, and lived for a time near the corner of Church and King Streets, and later on the west side of the "Court House Green." He was a carpenter. Early in youth Jacob Collamer had a thirst for knowledge and by his own efforts procured the means to equip himself for college and the study of the law. He entered the University of Vermont at the age of fifteen and graduated in 1810. He studied law with Mr. Langworthy, later with Benjamin Swift, at St. Albans, and was admitted to the bar in 1813. His course as a law student was interrupted in 1812 when he was drafted into the detailed militia service and served in the frontier campaign as Lieutenant of artillery. In 1816 he removed to Royalton, where he practiced his profession with increasing popularity until 1836, when he removed to Woodstock, where he resided for the remainder of his life. He was for several years Register of Probate in the Royalton district and he represented the town in the General Assembly in 1821, 1822, 1827 and 1828. He was State's Attorney of Windsor county in 1822, 1823 and 1824. He was a member of the Constitutional Convention of 1836 that abolished the Governor's Council and established the State Senate.

In 1833 he was elected a Judge of the Supreme Court, and continued in that office by repeated elections until 1842, when he declined further service. One year later he was elected to Congress, an office which he held until 1848, when he declined a re-election. A legislative caucus in the fall of 1848 recommended him for a Cabinet position and President Taylor made him Postmaster General. On the death of the President in July, 1850, Judge Collamer resigned his place in the Cabinet and returned to his law practice in Vermont. The following fall he was again called to the bench, this time as one of the Circuit Judges. He was given his choice between the trial bench

and the Supreme Court, and chose the former. He continued to preside in the County Courts until he was called to the United States Senate in 1854 by election by the young Republican party and he represented the State in the Senate from that time until his death at Woodstock, November 9, 1865. He was for some time professor of medical jurisprudence in the Vermont Medical College at Woodstock. The University of Vermont conferred on him the degree of LL. D. in 1849 and Dartmouth the same degree in 1860.

Judge Collamer was called to serve in more positions of trust than fall to the lot of many, and he discharged his duties with a fidelity and ability that give him front rank among the public men of Vermont. He was the only man to be selected from Vermont as a Cabinet officer before Redfield Proctor was appointed Secretary of War, and his statue, with that of Ethan Allen, was given a place in Statuary Hall at Washington as a representative Vermonter.

Judge Collamer excelled on the bench as a *nisi prius* Judge, but as good a critic as Judge Poland says of him that his published opinions are models of judicial composition that are unexcelled for accuracy of learning, terseness of statement and clearness and comprehensiveness of style, and he gives the opinion that had he remained on the bench until the end of his life he would have ranked with Chief Justice Shaw of Massachusetts.

On his work as a trial Judge the highest praise is bestowed. One who was well qualified to speak from acquaintance and experience gives the following judgment on this branch of his judicial labors: "The professional and public judgment of the State concurs in assigning to Judge Collamer an excellency of merit as a *nisi prius* Judge not exceeded, and rarely, if at all, attained by any other. With the disposition to accord full justice to all of the many Judges whom I have known within and without the state of Vermont, I frankly say that I never saw any other who, in so many respects, came up to my idea of a perfect *nisi prius* Judge as did Judge Collamer."

On the occasion of his death his fellow Senators bestowed the highest praise on his life and labors at Washington. One of these wrote: "Judge Collamer was the nestor of the Senate. We think that if his colleagues had been called to designate the wisest of the body, the general suffrage would have fallen on him. On every occasion his opinion had great weight whether in the open Senate or in the informal deliberations which often preceded the settlement of important measures." Senator Reverdy Johnson, of Baltimore, the leader of the American bar, said: "The universal sentiment seemed to be that under the guidance of such wisdom as his all would be well."

The most striking portrait that is preserved of Judge Collamer was drawn by Congressman Woodbridge of Vergennes in presenting resolutions on his death. He said: "You all recollect the sweetness

of his face. He seemed, as Sidney Smith said of Horner, to have the Ten Commandments written there." He was a man who was loved by children, by neighbors and by all who knew him. He was a church member and occasionally preached a sermon from the pulpit, and he once delivered a course of learned and reverent lectures on "The Authenticity of the Scriptures."

JOHN MATTOCKS

1777-1847

John Mattocks was the son of Samuel Mattocks, who came to Tinmouth about 1778. John Mattocks was born at Hartford, Conn., March 4, 1777, and came with his father to Tinmouth when he was one year old. He enjoyed a good academic education before going to live, at the age of fifteen, with his sister, Rebecca Miller, the wife of Samuel Miller, the first lawyer who located in Middlebury. Here he began to study law with his brother-in-law, and after remaining for two or three years in Middlebury completed his course with Bates Turner at Fairfield, and was admitted to the bar in Franklin county in 1797. His was the first admission in that county.

He went to Danville and commenced practice, but soon removed to Peacham, where he remained the rest of his life and died August 14, 1847. He represented Peacham in the General Assembly in 1807, 1815, 1816, 1823 and 1824, was a delegate to the Constitutional Convention in 1836, and was elected to Congress in 1820, 1824 and 1840. He was chosen Judge of the Supreme Court in 1832, but declined a re-election the next year. He was elected Governor by the Whigs in 1843.

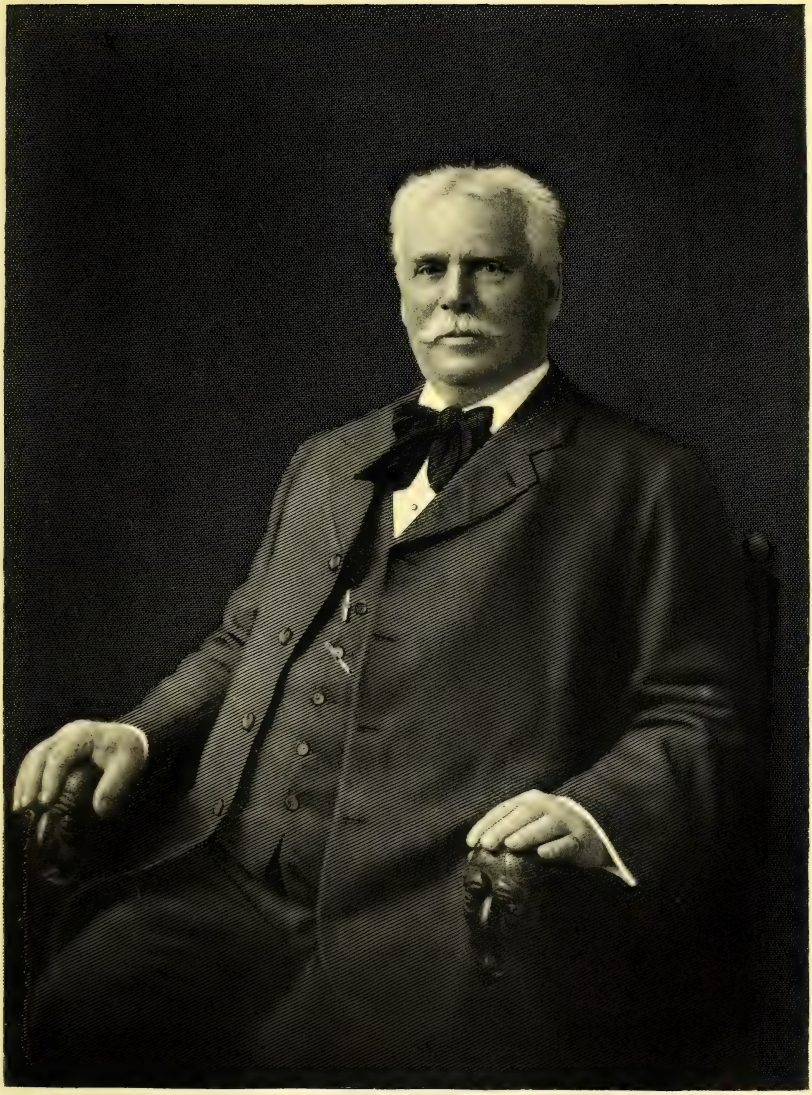
Judge Mattocks possessed an acute and logical mind and sound judgment, a tenacious memory, a remarkable power of analysis and a capacity for forcible statement, argument and illustration. In his addresses to the jury he indulged in a style that was plain and simple, and he won ready assent to his arguments by his infinite wit and humor.

As a trial Judge he was kind and courteous to the bar, possessed great facility in dispatching business, and administered justice in his court. It is said in criticism of him that his charges to the jury betrayed his sympathies in the cases which he tried, but he had a warm and impressive nature and his conduct was due to his solicitude that the jury should decide correctly.

He did not often speak when in Congress. His most notable effort here was in 1841, when he presented the petition of his constituents for the abolition of slavery in the District of Columbia. His

WILLIAM B. C. STICKNEY

Born in Marblehead, Mass., January 16, 1845. He studied in the public schools of Cambridge and Boston and won the Franklin medal. He completed his education at Harvard College, being a member of the class of 1865. He was employed in the government departments at Washington and later was secretary to Senator William P. Fessenden of Maine and to Gen. Benjamin F. Butler. He studied law, was admitted to the bar and came to Vermont, forming a law partnership at Bethel. Here he established a large law practice, making a specialty of corporation law. He has held the office of president of the Vermont Bar Association. In recent years he has been considered the leader of the Vermont bar. In 1884 he represented Bethel in the General Assembly and from 1888 to 1890 was State's Attorney of Windsor county. He is president of the National White River Bank. In 1877 he married Mary Hunton, daughter of A. P. Hunton, his law partner. Two children were born to them, William and Mary. In recent years he has resided in Rutland.



Wm B C Stiernes

words seemed bold at that early day when he declared: "I present this petition because I believe in my soul it ought to be granted, to free this land of liberty from the national and damning sin of slavery, in this our bailiwick, the District of Columbia."

He was an intense Federalist. At the time he was Governor, former Vice-President Richard M. Johnson visited the State and was received by the Governor and General Assembly. Governor Mattocks welcomed his former acquaintance, making one of his always apt speeches of welcome, and concluding with the words of salutation: "How are you, Dick Johnson? I am glad to welcome you to this State and to this chamber." The Vice-President closed his reply by saying: "How are you Jack Mattocks? God bless you."

It is a misfortune that a man of such talent should have been unwilling to remain longer on the bench. But this gave him a longer period at the bar, where he had faculties that were exceptional, and where he ranked first among the great men of his time in northeastern Vermont. His relations to Bell, Cushman and Fletcher, the other leaders of the bar in his section of Vermont, are discussed in the chapter on Caledonia county. He has been called Vermont's greatest advocate.

ISAAC F. REDFIELD

1804-1876

Isaac F. Redfield served longer on the bench than any Judge in the history of the State except Judge Rowell, and his name stands among the foremost of our jurists. If his life had been confined to his labors at the bar and on the bench, perhaps as much could not be said, but his efforts as an author and in the discharge of a difficult mission abroad give him preeminence. He was born at Weathersfield, April 10, 1804, the son of Dr. Peleg Redfield. He went with his father to Coventry, in this State, in 1805, where the latter became a prominent physician and respected citizen, and died in 1848. Isaac F. Redfield graduated with high honors at Dartmouth in 1825 and two years later was admitted to the bar of Orleans county. He began practice at Derby, and from 1832 to 1835 was State's Attorney of Orleans county. In 1835 he was elected a Judge of the Supreme Court. He was then thirty-one years of age and was the youngest man who ever attained that honor, except Judge Steele, who was elected at twenty-eight. For twenty-four successive years he was unanimously re-elected by the Legislature, though a large majority of that body were opposed to him politically. He was a Democrat. When Stephen Royce retired from the office of Chief Judge in 1852, Judge

Redfield was elected as his successor and served continuously until his retirement from the bench in 1860.

The judicial opinions of Judge Redfield are included in the reports from Volume 8 to Volume 33. They exhibit the judicial cast of his mind, the vigor of his reasoning powers, the accuracy and extent of his learning, his unwearied industry, the breadth of his views, his high sense of justice, and the elevation of his sentiments. Judge Redfield came to the bench with something more than a desire to follow the traditions of the law as it had been administered theretofore, although it was never said of him that he disregarded precedents. But the law was somewhat in a state of transition, at least on the equity side, and the subject of railways and their government was just beginning to engage the attention of the law student no less than that of the capitalist. Looking as he did upon the law as a broad and noble science for the wise government of men, and not a collection of arbitrary rules, he questioned those decisions that were not the result of the application of sound principles and that led to judgments that were unjust. And he thus found means of tempering the rules of the common law and infusing into them principles of equity. He took a broader view of his case than a smaller man and a close lawyer would have done, made himself familiar with the reasons, the history and the morality of the case, and rendered judgment accordingly, regarding precedents not as the law, but rather as evidence of what the law ought to be.

It fell to him to write many opinions on the subject of railroad law, and he had as much to do in shaping the law of this subject as any Judge in the country. It was a subject in which he had a great interest, and amid the cares and labors of his judgeship he found time to write a work on the "Law of Railways," which he published in 1857. It was in immediate demand and attained a wide circulation, and became the acknowledged and standard text-book on the subject. It gave its author not only a national reputation, but introduced him to the bench and bar of England. Five editions of this work were published during his lifetime. This work and his opinions had the effect of elevating the court in which he sat to a position of great importance and respect in other tribunals. But this credit was not due to him alone, when it is considered that such men as Charles K. Williams, Stephen Royce, Samuel S. Phelps and Jacob Collamer were on the bench with him.

Judge Redfield retired from the bench in 1860 and took up his residence in Boston. After his election as Judge he removed to Montpelier, where he remained until about 1846, when he removed to Randolph Center and occupied the house formerly owned by Judge Chase. He resided here for three or four years, when he removed to Windsor, where he lived until he went to Boston. He was then

fifty-six years of age, but his writings had already given him a reputation upon which he could expect to stand while he was acquiring a practice in the larger field into which he had entered. He had several reasons for leaving the bench, one that he felt that his opinions on constitutional questions that he supposed would come up at the time of the Civil War, that was then at hand, would be out of harmony with the people of Vermont; another of more weight, that he might improve his condition financially; and a third, that he might extend his legal writings into other fields than those he had already explored. He bade adieu to his associates on the bench and to the members of the bar at the general term of the Supreme Court, held at Montpelier in November, 1860, where a series of resolutions were passed in his honor which were presented in behalf of the bar by Lucius B. Peck, its leader at the time, and appropriately responded to by Judge Redfield. These will be found in Volume 36 at page 762 of the Vermont Reports.

He removed to Boston in 1861 and there resided until his death, which occurred at Charlestown, Mass., March 23, 1876. During his residence in Boston his industry was unremitting. Besides successive editions of his work on railway law, which finally extended into two volumes, he published a treatise on the "Law of Wills," in three volumes, and another on "Carriers and Bailments," in one volume, which became standard books. He also published a collection of "American Railway Cases" in two volumes, and one of "Leading American Cases on Wills," in one volume. He edited an edition of Judge Story's work on "Equity Jurisprudence, Equity Pleading, and on the Conflict of Laws," and of Professor Greenleaf's work on the "Law of Evidence." He wrote many of the articles for a new edition of Bouvier's "Law Dictionary," was one of the editors of the *American Law Register,* and wrote one article of considerable length for the *London Law Review,* which was later published in this country. During the same time he was employed in private practice and engaged in giving opinions in cases submitted to him, some of which were published. He also wrote other articles on topics apart from the law, and particularly in relation to the Episcopal Church, in which he was deeply interested.

At the close of the Civil War he was appointed in conjunction with Caleb Cushing as special counsel for the United States in respect to the suits and claims in the English equity courts relative to Confederate property remaining in England, and remained abroad on this mission for two years. He was also counsel for the Government in claims against Great Britain for the losses sustained by reason of the privateers that were fitted out in that country. These were delicate trusts, but he discharged them in a manner that brought him respect and admiration on the part of all who came in contact with

him. His residence in England was a delightful one, and his unfailing courtesy and tact coupled with his unusual ability rendered his services in a high degree praiseworthy and creditable to the Government.

The opinions of Judge Redfield differ materially from those of any other Judge who ever sat in the Supreme Court. He had a better fund of knowledge of the law from which to draw than most others, and his memory of the cases was so remarkable and accurate that he could apply the principles laid down with great facility. He was a natural essayist and philosopher, and his discussions and illustrations in his opinions took him farther afield from the precise point at issue than others were accustomed to go, but while he wrote himself out in a wonderfully human way, he did not stray from the point in the case, nor did he fail to be interesting. In one case this language found its way into an opinion from his pen: "After reading and re-reading until I have become heartily tired of it, I have not been able to feel very confident upon this point"; and in another he writes that Thomas More, when Lord High Chancellor, "swore an oath in the horrid language of the times, by the beard of the Almighty, that just as long as courts of law continued, he would enjoin them."

The pictures of Judge Redfield gave him a patriarchal appearance, with his full beard and benign countenance, and there must have been "something of the august and venerable about him," attributes that Rufus Choate so highly admired in Chief Justice Shaw, of Massachusetts. It would be interesting to know whether on his mission to London he conformed to all the conventions of dress and appearance that the standards of that city required. It is almost safe to say that he did not much disguise the personality that had been known to his friends so long and affectionately, and that he held to his accustomed traditions in this regard. He was too big to be moved in such matters by petty considerations, as his relative, the mother of Senator Redfield Proctor, found on an occasion when he visited her home at Cavendish while on his way from Vermont to Boston. She observed that he was wearing a very ancient tile and said to him as he was leaving: "Isaac you ought to have a new silk hat," to which he replied: "No, anybody who sees this one will know that the wearer of it has been a gentleman for a good while."

The printed page is the monument to his industry and ability. A word should be added in the way of description of the man. The best record that has been left comes from the pen of Mr. Phelps, who writes: "His unfailing courtesy and kindness, his amiable temper, his unquestioned and unquestionable purity of character, his patience in bearing, the unassuming dignity and quiet decorum with which he invested the proceedings of his court, the practical sense and sagacity with which he encountered questions of fact, these are qualities which will be always remembered by those who appeared before him, but

of which the memory must die when the witnesses are gone. He presided at *nisi prius* with great tact and acceptance. Under his guidance juries seldom went astray. And the most disappointed suitor carried away a kindly respect for the Judge. No man was ever more capable of appreciating and profiting by good argument or was more candidly open to its influence." Mr. Phelps' appreciative sketch is published in 49 Vt. Reports, pp. 5-19, *et seq.*

MILO L. BENNETT

1789-1868

Milo L. Bennett was born at Sharon, Conn., May 28, 1789, and was educated at Williams College and at Yale. He graduated at the latter institution in 1811, studied law at the Litchfield Law School and came to Bennington but soon removed to Manchester. Here he was State's Attorney and Judge of Probate. About 1836 he went to Maine and engaged in the lumber business and in land speculations and lost his property. He was accustomed to refer facetiously to this unhappy experience whenever he gave his age by saying that he was so many years old, but if the time he lost in Maine was counted he would be two years older.

In the spring of 1838 he located with his family in Burlington, and in the fall of that year Judge Phelps, his classmate at Yale, was instrumental in procuring his election to the Supreme Court over Charles Linsley, of Middlebury, who was defeated by a small majority.

Judge Bennett was a man of plain and simple manners, a great master of the common law and the principles of equity, a better Judge in the Supreme Court than at *nisi prius,* and more noted in the trial of criminal than in civil cases. When he was told that there was criticism because he ruled the criminal cases against respondents, he said: "I try *criminals* as I do other cases; I don't intend that many of these rascals shall slip through my fingers." Judge Bennett was right in his dissenting opinion in State v. Croteau, 23 Vermont Reports, page 14, where he argues that the jury are not judges of the law as well as the facts in criminal cases. The majority opinion is given by Judge Hiland Hall, and it can be readily imagined that the question aroused the greatest interest on the bench and at the bar. Judge Smalley argued the case in behalf of the respondent. The case covers sixty-seven pages of the report and all the learning on both sides of the question is assembled and discussed. The dissenting opinion is over thirty pages in length. This case was overruled in the case of State v. Burpee, 65 Vermont Reports, page 1, in an exhaustive

opinion by Judge Thompson, and the law that Judge Bennett so strenuously defended was established as the law of this State.

Judge Bennett was never reconciled to the decision in State v. Croteau and long afterwards characterized the doctrine of that case very properly as "a most nonsensical and absurd theory." In the latter case counsel, in discussing the charge of the court, said: "This part of the charge bristles all over with italics, like daggers, and drips blood at every sentence." (State v. McDowell, 32 Vt., p. 528.) It is said of Judge Bennett that in spite of his attitude in some cases that seemed very hostile to respondents he was capable of coming to their support when he regarded them as not guilty, and that it could not be claimed that any innocent man was ever punished in his court, although few guilty ones escaped.

Judge Bennett served until the change in the judiciary system in 1850. He was a Circuit Judge for one year, was in practice for the next, then was elected to the Supreme Court, where he remained until 1859, when he was appointed Commissioner to revise the statutes, and his judicial service came to an end. This revision is known as the General Statutes, and was published in 1863. Judge Bennett also published "Bennett's Justice," a book of legal forms and instructions as to the general principles of law and their application to practice, which came into general use in law offices and with Justices of the Peace and town officers, and was of great service. This book continued in general use until replaced by the recent works of the late Henry A. Harman. The worthy descendants of Judge Bennett at the Boston Law School, his son and grandson, are still of precious memory. Judge Bennett died at Taunton, Mass., July 7, 1868.

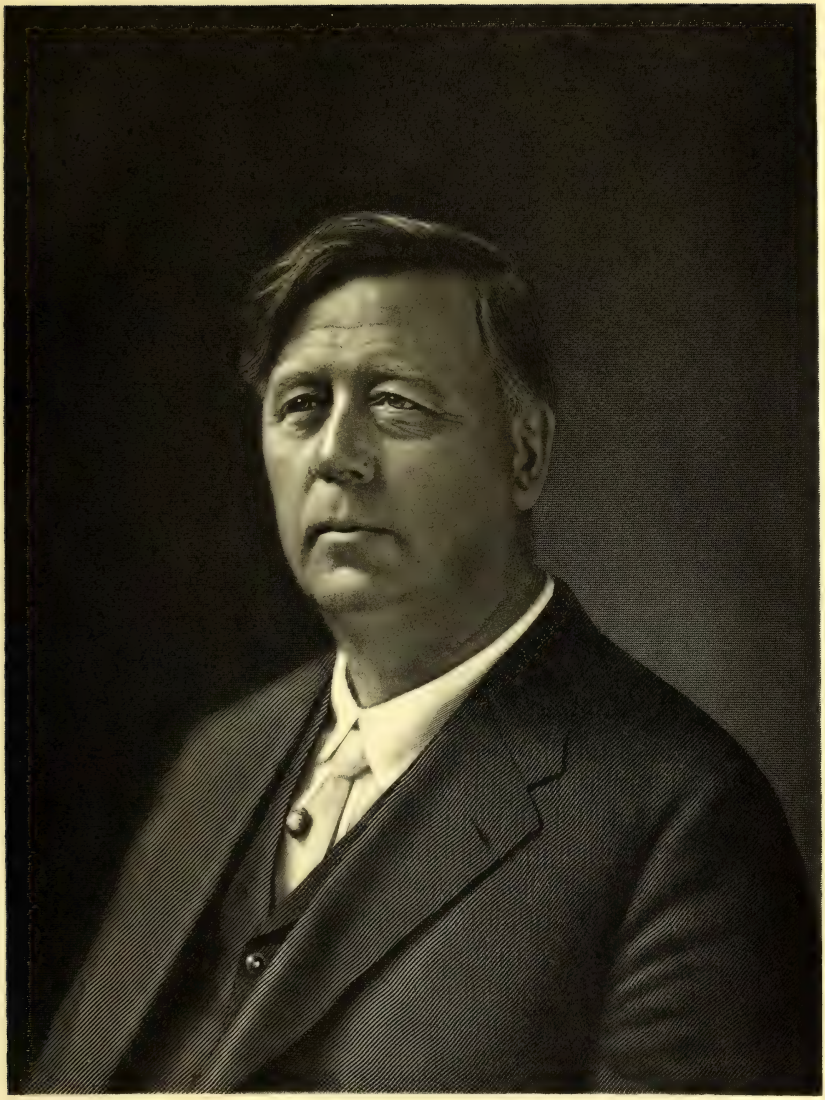
WILLIAM HEBARD

1800-1875

William Hebard was a self-made man, who read law in the office of William Nutting, of Randolph. He was born in Windham, Conn., November 29, 1800. He was admitted to the bar in Orange county in 1827, and commenced practice at East Randolph, but in 1845 removed to Chelsea, where he remained until his death, October 22, 1875. He was one of the ablest and most popular men of his time. He represented Randolph four years and Chelsea five years in the General Assembly; was State Senator in 1836 and 1838; State's Attorney in 1832, 1834 and 1836; Judge of Probate in 1838, 1840 and 1841, and Judge of the Supreme Court from 1842 to 1845, inclusive. In 1848 and again in 1850 he was elected to Congress and was a delegate to the National Republican Convention that nominated Abraham

JOHN G. SARGENT

Born in Ludlow, Vt., October 13, 1860. He studied in Vermont Liberal Institute at Plymouth, Vt., taught school, graduated from Black River Academy in 1883 and from Tufts College in 1887. After graduating from college he studied law in the office of Gov. W. W. Stickney at Ludlow, was admitted to the bar in 1890 and formed the partnership of Stickney and Sargent, in recent years known as Stickney, Sargent and Skeels. Mr. Sargent was State's Attorney for Windsor county from 1898 to 1900, Secretary of Civil and Military Affairs under Governor Stickney from 1900 to 1902, and Attorney General of Vermont from 1908 to 1912. He was elected president of the Vermont Bar Association in 1919. Mr. Sargent is one of the foremost lawyers of Vermont and his firm has a large corporation practice.



John G. Sargent

Lincoln to the presidency. He was a good advocate, an excellent lawyer and a faithful official. He had a long service at the bar, which was more agreeable to him than the bench; but his opinions are well written and will bear comparison with those of his associates. His prominent characteristics were candor, considerateness, integrity and faithfulness. He was plain and practical and well endowed with common sense. His wife was a niece and an adopted daughter of Dudley Chase.

DANIEL KELLOGG

1791-1875

Daniel Kellogg, an accomplished lawyer and learned Judge from Windham county, was born at Amherst, Mass., February 10, 1791. He graduated at Williams College in 1810, studied law with Gen. Martin Field on Newfane Hill, and was there admitted to the bar and commenced practice in Rockingham in 1814. In 1819 and 1820 he was Judge of Probate of the district of Westminster; Secretary of the Governor and Council from 1823 to 1828; State's Attorney in 1827 and member of the Council of Censors in the same year; United State's Attorney for the district of Vermont from 1829 to 1841; member and president of the Constitutional Convention in 1843; Presidential Elector in 1864; and Senator from Windham county during the 60's.

He was elected a Judge of the Supreme Court in 1843, but did not accept the office. He was again elected in 1845 and served six years. His term of service included the time when some of the Judges served only in the Supreme Court, and others only in the County Courts, and he occupied both places, and rendered equally good service on either bench. He was a scholarly, orderly man of excellent legal learning, took great pains in writing his opinions and read them annually until his death. He had the confidence of the bar and the people, and his professional, social, political and business life were characterized by the most perfect integrity. Judge Kellogg was three times married; his second wife was the daughter of William C. Bradley, and his third the daughter of Judge Asa Aldis. He moved to Brattleboro in 1854 and died May 10, 1875. The oil painting of Judge Kellogg which hangs over the bench in the court house at Newfane is silent evidence of the estimable qualities which the Judge possessed. It is a face of refinement, intelligence, candor and strength.

HILAND HALL

1795-1885

Judge Hiland Hall was descended from good New England stock on both sides of his father's family. His ancestors were the first settlers in Middletown, Conn., going there from Boston in 1650. He will be best and longest remembered as an historian. In this department he rendered a great service to Vermont. He held many offices and discharged their duties creditably, and his service as a Judge of the Supreme Court was worthy of his high talents as a lawyer and his fidelity to public duty as an official. He was born in Bennington, July 20, 1795, was brought up on a farm, and educated in the common schools and at Granville Academy, N. Y., where he spent one term. He taught a few terms of district school and early in life displayed a decided taste for historical matters, being an omnivorous reader of history and biography, and like Lincoln reading by the light of the open fire. He was a born patriot, and at the age of eighteen organized the "Sons of Liberty," a society which took a decided stand against Great Britain in the War of 1812.

He was admitted to the bar at Bennington in 1819, and there remained in practice during his active life. He represented the town in the Legislature in 1827 and was Clerk of the County and Supreme Courts for Bennington county in 1828, a position which his son and grandson afterward held for many years. He was State's Attorney of Bennington county from 1828 to 1831. In 1833 he was elected to Congress, where he served for ten years, when he declined a renomination and tried to return to private life. He was president of the large Whig Convention held in Burlington in 1840, and introduced Daniel Webster at the famous Stratton Whig Convention held on the top of the Green Mountains, August 16 of the same year. He was Bank Commissioner of Vermont for four years, from 1843, and Judge of the Supreme Court for a like period, ending in 1850, when he was appointed the Second Comptroller of the United States Treasury. In 1851 he was appointed by President Fillmore with Gen. James Wilson of New Hampshire and Judge H. I. Thornton of Alabama a Land Commissioner for California, when he resigned his commission in the Treasury Department and was succeeded by Edward J. Phelps, whom he recommended as his successor. In 1854 he returned to Bennington and resumed the practice of his profession. In 1856 he was a delegate to the Republican National Convention held in Philadelphia, and in 1858 was elected Governor. He was a member of the fruitless Peace Congress held in February, 1861. He delivered the first address before the Vermont Historical Society, for six years from 1859 was its president, and was afterward active

in the preparation of the materials for a number of volumes of its collections and otherwise promoted its success. He read several papers before the society, one in 1869 in vindication of Ethan Allen as the hero of Ticonderoga. He contributed papers to the *New York Historical Magazine,* the *Vermont Historical Gazetteer,* the *Philadelphia Historical Record,* and the *New England Historic Genealogical Register.* In 1860 he read before the New York Historical Society a paper showing why the early inhabitants of Vermont disclaimed the jurisdiction of New York and set up a separate government. In 1868 he published his "Early History of Vermont." This is a work of over five hundred pages, in which it is shown that the separation of our inhabitants from the government of New York was necessary; that they were justified in their struggle for independence; and that the important acts of the Vermont leaders were performed in loyalty to the State. He took a leading part in the rearing of the Bennington battle monument, an enterprise which did not reach fruition until after his decease. He received the honorary degree of LL. D. from the University of Vermont in 1859. He was a life member and vice-president for Vermont of the New England Historic Genealogical Society, a member of the Long Island Historical Society, an honorary member of the Buffalo and corresponding member of the New York Historical Societies. He married Dolly Tuttle Davis, of Rockingham, who was the daughter of Henry Davis, who was with Colonel Stark at the battle of Bunker Hill. Henry Davis also served at West Point at the time of Arnold's treason. On his ninetieth birthday a party was given Judge Hall at the residence of his granddaughter, in Bennington, at which were present fifty-one of his descendants, and there were five others who were detained from attending. Judge Hall died at Springfield, Mass., at the home of his son, with whom he was spending the winter, December 18, 1885.

Judge Hall was essentially a historian. He had great taste for historical research, a strong mind and a retentive memory. His flow of language as an extemporaneous speaker was deficient, but at the desk he excelled. Here his formulated thoughts and moulded ideas flowed as freely as could be readily written, and his fund of information extended to all branches of national, constitutional or international research. His judicial labors covered but four years, but he was one of our ablest jurists, and his published opinions are clear and strong presentations of the law.

CHARLES DAVIS

1789-1863

Charles Davis, of Danville, was born in Mansfield, Conn., January 1, 1789. His father, also a native of Mansfield, removed with his family to Rockingham in January, 1792, where he resided until 1806, when he removed to Middlebury in order that he might with more facility give his son a college education. Charles Davis made preparation to enter college by attending the district schools and a neighboring academy, and in 1808 was admitted a member of the sophomore class of Middlebury College, where he graduated in 1811. Following his graduation he entered the office of Daniel Chipman at Middlebury as a law student and was admitted to the bar in June, 1814. In June, 1816, he removed to Barton, when Orleans county was comparatively new, where he resided until March, 1818, when he removed to Waterford, in Caledonia county, where he remained until 1828, when he took up his residence at Danville, the county seat, where he made his home as long as he remained in Vermont.

In 1828 he was elected State's Attorney of Caledonia county, and was re-elected for seven successive years. He was again elected in 1838 and held the office for one year. In 1831 he was elected Clerk of the House. In 1841 he was appointed District Attorney of the United States for Vermont and held the office until 1845. In 1845 and 1846 he was elected Judge of Probate for the district of Caledonia by the Legislature, but at the latter session a bill was passed for the addition of another Judge to the Supreme Court, and the choice fell to Judge Davis, who served for two years. After his retirement from the bench he represented Danville in the Legislature in 1851. Judge Davis kept up an interest in general literature during his life as a lawyer. He was acquainted with the ancient classics, the best English authors, as well as some of the modern languages. His last few years were spent with his son at Rockford, Ill., where he died, November 21, 1863.

He is credited with having been an excellent lawyer, thoroughly educated in the common law, and an able and honest Judge. His opinions are noticeable for sound reasoning and careful research. He did not enjoy the work of a trial Judge, and this and the condition of his health induced him to retire from the bench.

LUKE P. POLAND

1815-1887

If Henry Clay deserved to be called the mill boy of the slashes because he carried his mother's grain to the mill of Mrs. Darricott on the Pamunkey River in Virginia, Luke P. Poland can well be

called the mill boy of Lamoille county for having tended his father's upright saw mill in Waterville. It is a title that he would have enjoyed, for he used to say of himself that he "was brought up and educated in a saw mill." His father was the first Representative to the General Assembly from Waterville after it was organized as a town. Luke P. Poland was born at Westford, November 1, 1815, attended the district schools until he was twelve years old, and was at the academy at Jericho for about five months when he was seventeen. The balance of his youth was passed as a clerk in a country store at Waterville and in work upon the paternal farm and in his father's saw mill. When he went out from his home to attend the academy at Jericho he exchanged boards from the saw mill for necessary clothing to wear while he was away at school. He was bashful and retiring, but characterized by good sense and industry. Hopes had been awakened that he might do better than pursue the calling of his father, and he persuaded the latter to give him his time during the remainder of his minority. Carrying a single change of clothing, all his earthly belongings, he walked to Morrisville, where he taught the winter term of school so successfully that he was engaged to teach it the following winter. At the close of the first school year he commenced the study of law in the office of Judge Samuel A. Willard at Morrisville, and acquitted himself so well that before his admission he was sent by his instructor to Greensboro to open an office there and attend to urgent legal business. He was admitted to the bar at the December term of the Lamoille County Court, 1836, the first term after the organization of the county, and shortly after he had attained his majority. He was for three years a partner of Judge Willard and for nine years in practice alone. His residence and office during this time were at Morrisville, and his practice, which was a large one, was mostly in Lamoille, Orange and Orleans counties. In 1848, twelve years after his admission, at the age of thirty-three, he was elected one of the Judges of the Supreme Court over a Whig competitor, by a Whig Legislature, though he had himself always been a Democrat until that year, when he was a candidate for Lieutenant-Governor on the Free Soil ticket. He had before that time been Register of Probate for Lamoille county in 1839 and 1840; member of the State Constitutional Convention in 1843 and State's Attorney for Lamoille county in 1844 and 1845. He served two years until the change in the judicial system, when he became Circuit Judge and continued as such until 1857, when he was elected first Assistant Judge of the Supreme Court. In 1860 he was elected Chief and remained as such until 1865, when upon the death of Senator Collamer he was appointed by Gov. Paul Dillingham to succeed him in the United States Senate. He remained as Senator until March, 1867, when he entered the lower House in Congress and remained until 1874. He afterwards

served one term in 1882-84 in Congress and represented St. Johnsbury in the General Assembly in 1878, and Waterville in the same body in 1886. He had moved to St. Johnsbury in 1850, was influential in procuring the removal of the county buildings to that place from Danville, and chairman of the committee for their erection. The University of Vermont conferred on him the honorary degree of Master of Arts in 1858, and of Doctor of Laws in 1861. He became one of its trustees in 1878, founded in it in honor of his native town the Westford scholarship in 1882, and was active and helpful in its management as long as he lived. In 1885 he purchased the old homestead at Waterville, fitted it up comfortably, and took up his residence there. After fifty years of service at the bar and on the bench he attended the April term of court in 1887 in Lamoille county in the court house where he was admitted, and on account of the situation of one of his cases a recess was taken until July 5 following. June 30 he returned from St. Johnsbury feeling unusually well, but on July 2 he overworked in the forenoon, ate a hearty dinner and while mowing away a load of hay in his barn in the afternoon died suddenly.

Judge Poland was beyond doubt one of the best Judges Vermont ever had. He was one of the brainiest men who ever sat on the bench, and his natural talents were such that in spite of the lack of early training, now deemed so necessary for one who is to enter one of the professions or to seek a public career, he held his own against the best of men at home and at Washington, and was recognized as a leader everywhere. As a Judge he was dignified and courtly, saw at once the question at issue, had a clear perception of the testimony as it was given, and the jury readily understood his instructions. In the trial of cases he enforced great order without waste of time, and rapidly dispatched business without seeming to hurry. In the trial of questions of fact, as auditor, referee, master, Judge or chancellor, it is doubtful if the State ever had his equal, certainly not his superior. He at once saw the real issue and he cut out what was irrelevant and superfluous, and directed the trial to the things that were material. In this way he heard cases more rapidly than others and with more ease and better results.

In the Supreme Court his opinions were usually written during the sessions of the court, and for this reason they did not show the finish that some of the other Judges who were less gifted gave their opinions. He explained his habit in this regard by saying that his education had been defective, and while in some cases it might be desirable to make fuller examination of questions and refer to authorities not at hand at the time, yet on the whole he could write a matter at first fully as well as he could if he attempted to revise it. His opinions are clear, concise and easily understood, and they show the power of a strong mind and the clear thinking of a sound lawyer.

Some of them, struck off as they were after a day in court, are landmarks in our jurisprudence.

As a legislator he was without a superior. His ready grasp of affairs and unusual capacity to put matters in definite shape made him a natural leader. His judicial qualities, too, were of great service and these he displayed throughout his political career. When it became his duty to present the tribute to his predecessor in office, Jacob Collamer, instead of lauding him to the skies, as some men would have done under similar circumstances, his speech was discriminating, temperate and judicial in its tone, and it placed the great Senator among other mortals with whom he labored and among whom he was loved and honored. He was chairman of the committee to investigate the Ku Klux outrages, also chairman of the Credit Mobilier investigating committee, making the report in that case. He took an important part in the discussion of the Geneva Award and was chairman of the committee to investigate troubles in Arkansas. But his great work was in the compilation of the United States Statutes. It was thought that this task was too great to be undertaken by Congress, but in Judge Poland was found a man who was capable of undertaking it, with the aid of others, and its successful accomplishment was due in great measure to his tireless labors and efficient leadership. In the closing days of Congress he succeeded in getting the Statutes printed, as they had to be submitted in full to the Senate before they would become law, and going to that body they were passed on the strength of the work that had been done in the House, without inquiry into their correctness, after having been read by title only.

It would seem as though such a career had been as successful as could be hoped for in the usual course of events in life, but it is said that the break in the political life of Judge Poland would not have happened had he had more thoughtful qualities and fewer objectionable ones, and among the latter is mentioned his attitude toward money matters. He became a wealthy man and a very close one, and when he was in such favor politically that there were suggestions of him for a Presidential nomination the "salary grab" bill came along and dashed his hopes to the ground. He voted against the bill for the just increase to $7,500, but would not yield to the storm of popular fury to turn back the extra pay to the treasury or give it to the State or to charity, and he felt contempt for the terror of his associates in the House who hastened to part with what they had received in some one of the ways above mentioned. But he said, on the contrary, "Here it is," slapping his trousers' pocket, "and here it is going to stay." He did after this, however, become chairman of the Vermont delegation in 1876, and his name was suggested as a candidate for Vice-President, but he presented William A. Wheeler's name to the convention and was instrumental in securing his nomination. He

was a leader in the sessions of 1878 and 1886 of the Vermont Legislature, and at the latter session introduced and procured the passage of the Poland pauper law. This was his last public trust. He remained in full apparent vigor until the last, and was to have made an address at Bakersfield, July 4, 1887, on the occasion of the celebration of the national holiday.

PIERPOINT ISHAM

1802-1872

Pierpoint Isham was the son of Dr. Ezra Isham, of Manchester, and his mother was a cousin of Judges Phelps and Pierpoint. He was born at Manchester, August 5, 1802. He studied law in the office of Judge Skinner, was admitted to the bar, and at first located in Pownal, but soon removed to Bennington, where he remained in practice until his election to the bench in 1851. He was short in stature, of a rotund figure, quick and energetic in movements, excitable in temperament, impulsive and ardent, and of too impatient a spirit to endure gracefully the labors of a trial Judge. His duties when first chosen were in the Supreme Court. When the dual system that was inaugurated in 1850 went out in 1857 and the old system was restored by which the Supreme Court Judges had to sit in both the Supreme and County Courts, he declined a re-election, feeling that he was not fitted by temperament to endure the vexations that attend the work of a trial Judge. The pursuit of politics was not to his taste, and he was not the recipient of any other public honor except that of Bank Commissioner, which came to him from the Legislature.

His son, Edward S. Isham, was a member of the law firm of Isham, Lincoln and Beale in Chicago. In this firm Robert T. Lincoln, son of President Lincoln, was a member. Judge Isham died at Piermont, N. H., May 8, 1872.

The opinions of Judge Isham exhibit good legal scholarship and a comprehensive knowledge of the case in hand and the legal principles governing it.

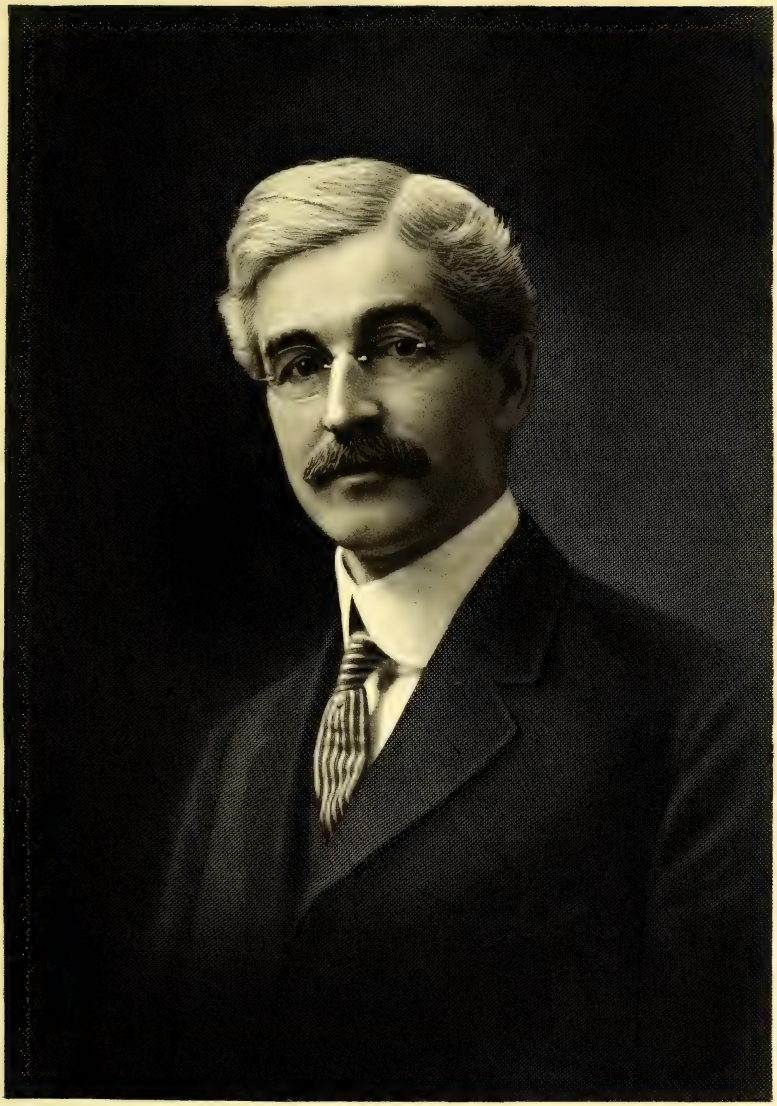
ASA O. ALDIS

1811-1891

Asa O. Aldis was born at St. Albans, September 2, 1811, and died at Washington, D. C., June 24, 1891. He graduated at the University of Vermont in 1829, studied law with his father, Judge Asa Aldis, at St. Albans, and became his partner. He was an able lawyer,

MARVELLE C. WEBBER

Born in Rochester, Vt., January 14, 1868. He studied at Montpelier Seminary, Williams College and Boston University, graduating from the last-named institution in 1889, and from its law school in 1891. He served as a clerk in the office of Evarts, Choate and Beaman in New York and was admitted to the bar in 1892. He continued in the office of this famous law firm until 1898, when he returned to Vermont. He located in Rutland in 1901. In 1909 he was appointed member of a commission to compile and issue a digest of the decisions of the Supreme Court. He has been a member of the Board of Education since 1915. He was elected president of the Vermont Bar Association in 1920. In 1902 he married Mary Rex of Philadelphia. Three children have been born to them, Payson R., Christopher A., and Marvelle C. Webber, Jr.



Marvelle C. Webber.

a distinguished advocate and had an extensive practice when he was elected to the bench in 1857. He remained on the bench until 1865, when the loss of several children and the delicate health of others of his family induced him to resign, when he was appointed United States Consul at Nice, where he remained until 1870. The following year he was appointed president of the Southern Claims Commission, and remained in this employment until its duties were brought to a close in 1880. Immediately following this service he was appointed Commissioner on the French and Alabama claims, and served as such until 1884. During the discharge of the duties of these offices it was necessary for him to be in Washington, and he made that city his home during the last twenty years of his life. He suffered from an attack of the grip in 1890, from the effects of which he never recovered. His son, Owen Aldis, was also a lawyer and a member of the Chicago bar.

Judge Aldis was an accomplished gentleman, a man of high ability, a cultured scholar, a polished speaker, with independent ideas and patriotic sentiments.

JOHN PIERPOINT

1806-1882

John Pierpoint was for fifty-five years at the bar, for twenty-five years a Judge of the Supreme Court, and for over sixteen years Chief Judge of that court. The latter is a longer term than the same office has been held by any other Judge. Judge Pierpoint was born at Litchfield, September 10, 1806. He could trace his ancestry in an unbroken line from Robert Pierpoint, who was a supporter of William the Conquerer, and was with him at the battle of Hastings. On his mother's side he came from strong New England stock. His mother was a sister of John Phelps, who was the father of Judge Phelps and the grandfather of Edward J. Phelps. Thus Judge Phelps and Judge Pierpoint were cousins and Judge Pierpoint and Edward J. Phelps cousins, one degree removed.

Judge Pierpoint came to Rutland when he was ten years old, and became a member of the family of his brother, Robert, who had preceded him there and was established in his profession. Here he attended the public schools, his only education, took care of the cows, brought in the wood, and did the chores for his brother's family. At the age of eighteen he commenced the study of law, probably in the office of Calvin Sheldon at Manchester. He left the law office to become a student in the famous law school at Litchfield, and here he boarded in his father's family, and walked to the school daily, a dis-

tance of two miles. On leaving the law school he returned to Rutland, where he was admitted to the bar in 1827 and soon located at Pittsford, where he remained for about five years, when desiring a larger and more lucrative field for practice he moved to Vergennes and established himself in practice there. This was in May, 1832. Here his life was equally divided between his practice as an attorney and his work as a Judge, each covering the space of twenty-five years. At this time his health broke down, but after spending the winter of 1835-36 in Fayette, Miss., he was so much improved that he was able to resume practice, and although not robust in health he was usually able to do a considerable amount of work.

Until 1848 he was a Democrat, as were Judges Aldis, Peck and Poland. Then he and they joined the Free Soil party and after that the Republican party. He represented Vergennes as a Democrat in the General Assembly in 1841, and from 1836 to 1857 was Register of Probate for the district of New Haven. He represented Addison county in the Senate as a Republican in 1855, 1856 and 1857, was on the Judiciary Committee at each session, and its chairman the last two sessions. In 1857 he was elected fourth Associate Judge of the Supreme Court, and continued in office on the bench from that time until his death, which occurred at Vergennes, January 7, 1882. He had been Chief Judge since November, 1865.

Judge Pierpoint was one of the most beloved of the Judges and one of the best. He was well grounded in the principles of the law as a result of his early training at the law school of Judges Reeve and Gould, to and from which his daily walks were employed in reviewing their instruction. His habit of "thinking on his feet" became so firmly established during this period of his life that he wore through the boards in the floor of his Pittsford office from constant walking back and forth while trying to solve the legal problems that came to him in the early days of his practice. This practice he kept up while he was holding court. He would leave the bench and walk forth and back in the court room while he was trying to bring his mind to a decision of some new question; and the older inhabitants of Vergennes describe him as walking all day on his veranda on the occasion when John P. Phair, whom the Supreme Court had sentenced to be hanged, was to be executed.

The health of Judge Pierpoint was not equal to the exactions of a large and active practice, nor had he the initiative and personality to obtain one. The field was limited, too, and occupied by men who came more often into the public eye—Philip C. Tucker, Frederick E. Woodbridge and Gen. George W. Grandey. But none of these men equalled Judge Pierpoint in soundness of learning or correctness of judgment. His efforts were not so much employed in the forensic field as those of his competitors, all of whom were rather remarkable

orators, but his old trial justice, who used to look proudly at his portrait that hung in the Woodbridge office in my early days as a practitioner at Vergennes, and declare that the Judge was *"almost* always right" in the thousand and more cases he had heard for him as a Justice of the Peace, said that Judge Pierpoint was capable of making an argument of great power and clearness. But he settled more cases than he tried, and his real place in the legal field was found when he was engaged as a referee, commissioner, auditor or master. In this kind of legal work his good business sense, knowledge of the principles of the law and capacity for dealing with the real issues of the case, made him a favorite among the lawyers who had cases for trial before such a tribunal. This introduced him to the larger field in which he so distinguished himself during the last twenty-five years of his life.

He presided with dignity and fairness, and with gentleness toward those interests that required it, especially the young attorneys who were timid in the ways of the courts. To such he was most considerate. He was a master of every thing that bore on the court rules, the making up and disposing of the dockets, and his word was so much held in reverence in this regard that it was followed long after he was gone. I used to hear Rufus Wainwright, the ideal clerk of Addison County Court when I came to the bar, and the father of the present incumbent of the same name, say, referring to a disposition to be made of a certain case on the docket, that it should be made in a certain manner, for "that is the way Judge Pierpoint directed it to be done and I haven't heard any other rule about it since."

In the Supreme Court Judge Pierpoint sat with the legal giants of his day, Judges Bennett, Poland, Redfield, Aldis and Barrett. These men were all quite different from Judge Pierpoint. Some of them had a much better general education, and others were better trained, more profoundly learned and more experienced in the law. But in the happy combination of the qualities that make up the good Judge, he was the peer of any of them, and his influence over the opinions of the court during his long service on the bench was far reaching and highly useful. As the presiding officer of the Supreme Court he was regarded as a model in fairness, dignity and dispatch of work, and as the last Judge to be called on for his opinion in conference over cases that had been and were under discussion in chambers the clearness and saneness of his views were of great assistance in balancing the conflicting judgments of the other Judges.

Judge Pierpoint was a great lover of the out-of-doors, a famous hunter and a dead shot. He took up his residence in Vergennes in a house which stood on the slope where the Bixby Memorial Free Library now stands, which looks down on the bay where so many

encounters took place between the forces of the Green Mountain Boys and of the Tories over the possession of the falls, then known as the "Lower Falls in New Haven," in the days before the American Revolution, and on the bay where Macdonough built his fleet in 1814 that destroyed the British flotilla at the Battle of Plattsburg; and he enjoyed from this vantage point the grand panorama of river, forest, field and mountain that stretches to the westward.

In the fall of the year he was accustomed to spend many happy days hunting ducks on Dead Creek, Little Otter, Lewis Creek and Lake Champlain, where he was rowed in his long boat which was propelled by sweeps in the hands of his trusted guide. He was the first wing shot in his vicinity, and his unerring aim was sure to result in a full bag of birds, whether he went in pursuit of ducks on the waters, or woodcock and partridges on the land.

Edward J. Phelps was sometimes his companion on these trips, and usually his friend, John E. Roberts, of Vergennes, his former trial justice, was with him. On one occasion Judge Peck was with him and saw him bring down a partridge "two or three minutes after it had disappeared beyond the cedars." He was accustomed to pitch his tent and remain all night and enjoy the morning shooting. One of his favorite camping places was "Pierpoint's Kitchen," as it was called, near an overhanging rock at the mouth of the Little Otter. This spot is on the same side of the bay, and not more than a hundred rods from Sam Lovel's Camp, made famous in the works of Rowland E. Robinson, himself a sportsman and a lover of nature. It was the custom in the earlier days for the trial Judge to "bust the docket" on calling it at the opening of the term, which meant that the cases not then ready for trial would be continued until the next term, and once at the opening of Chittenden County Court, in September, where Judge Pierpoint presided as in Addison county, the Judge arranged with his party to be at "Pierpoint's Kitchen" on the afternoon of the first day of the term, giving them the word before leaving home that he would be back on the afternoon train. Matters were so well ordered at Burlington that this plan was carried out, no doubt to the joy of the bar which has more than once since then failed to have business for the court on the opening day of the term, and the Judge was at his favorite hunting ground before nightfall.

In his poem, "To My Cousin Jack," Mr. Phelps makes reference to the Judge's skill as a hunter, and pays a noble tribute to him as a man. Mr. Phelps was instrumental in starting a movement among the members of the bar which resulted in the erection of the stately monument over the grave of Judge Pierpoint in Prospect Cemetery in Vergennes, and he insisted that the stone should bear record that he was "Chief Justice" (not Chief Judge, the true title of his office),

for he declares that "he was a Chief Justice," and he was accordingly so described on the monument.

JAMES BARRETT

1814-1900

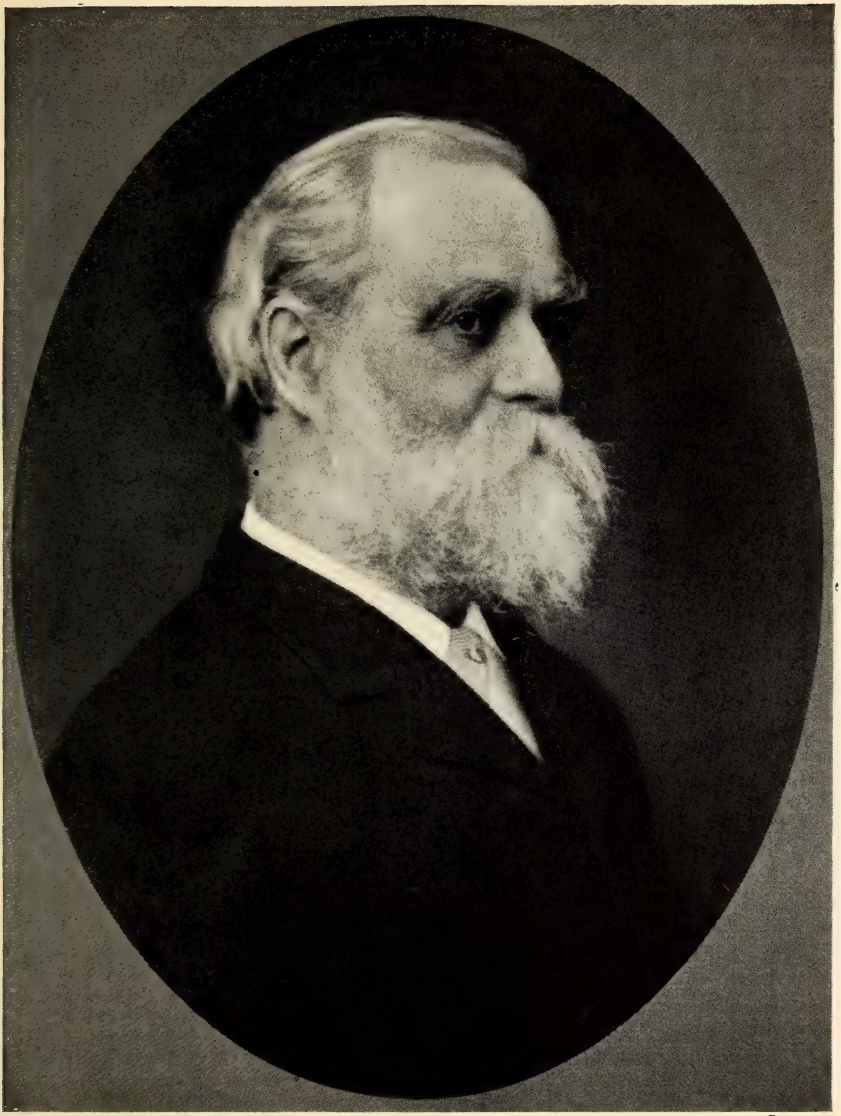
James Barrett was the only Judge of the Supreme Court whose re-election was denied by the Legislature in recent years. He was one of the great lawyers of Vermont, but was not temperamentally well adapted to the work of the bench, at least that part of judicial labors which related to the trial of cases at *nisi prius*. He was born at Strafford in this State of parents on both sides who were endowed mentally with more than usual strength, and these strong qualities were transmitted to him in generous measure. He was fitted for college in the common schools, and at the Orange County Grammar School, and worked his way through Dartmouth, where he graduated in 1838. He first gave his attention to medicine, but soon took up the law, studying for a while with Charles Crocker, in Buffalo, N. Y., in 1838 and 1839, and with Charles Marsh in 1839 and 1840 in Woodstock. He was admitted to the bar in Windsor county in 1840, and very soon had a considerable practice, having located at Woodstock. Here he remained until 1848, when he removed to Boston where he practiced for about one year and returned at the end of that time and resumed practice at Woodstock. He was a member of the State Senate in 1844 and 1845, and State's Attorney from 1854 to 1856. On his return from Boston he became a member of the prominent law firm of Tracy, Converse and Barrett. This was made up of Andrew Tracy, a leading lawyer, and afterwards a member of Congress, Julius Converse, later Governor, and Judge Barrett. The firm did a large business in Windsor county and adjoining territory, and throughout the State. In 1857 he was elected a Judge of the Supreme Court, and served twenty-three years, his term of office ending December 1, 1880. In the assignment of the Judges to the County Courts, Judge Barrett was at first assigned to the counties of Washington and Orange, but after the retirement of Chief Judge Redfield from the bench in 1860, who had the counties of Windham and Windsor, Judge Barrett was assigned to those counties, and continued to hold the courts there as long as he remained on the bench. Had the system been one of rotation of the Judges among all the counties of the State according to the plan that is now in vogue, it would have been better, and Judge Barrett might have remained on the bench. His was not the only case where fault was found with the presiding Judge who held court twice a year in the same county. Judge Royce, who later came into

much favor with the bar when he presided in other counties than his own and Lamoille, was the object of attack at home by those who did not like the arbitrary manner in which he held court, and Judge Ross met opposition so severe at one time, when he held regularly the Caledonia County Court, that it looked as though his tenure of office would be interrupted. But he was very secure in the affections of the bar and the people after he had begun the circuit of the State in holding the County Courts.

Judge Barrett was a man of very great learning and intense application in the law, and he had a taste for good literature, and enjoyed the good things of life. He was a man of very high ideals, of unquestioned integrity, of recognized honesty, and undoubted purity in public and private life. But he was temperamentally unfitted for the agreeable discharge of judicial duties, and the friendship of the bar which was his in full measure in the beginning of his long career was withheld from him at its close without his having sensed the change that his arrogance and partisanship had produced among those who were in frequent attendance upon cases before him. If there could have been a consensus of opinion among those who attended his courts as spectators during the time he was presiding at Woodstock and Newfane, and especially the latter, as to who was the greatest of all Judges, the choice would have fallen unmistakedly to Judge Barrett, for the lookers-on had come to have a profound feeling that the lawyers needed disciplining and that Judge Barrett was the one of all others to do it. After the more than forty years since he left the bench, the opinion still abides at Newfane, as a result of his influence, that that sort of conduct on the part of the trial Judge is essential to the correct dispatch of legal business. My earliest recollections of a judge are of Judge Barrett, and I must have seen him at Newfane occasionally in the Sixties and very often in the Seventies. I well recall with what reverence he was regarded among the people, and how much he was looked up to whether he was on or off the bench. Everything he did, everything he said, bore the mark of a strong and positive personality. It was seen in his walk as he came to court carrying a cane which he lowered at exact intervals and at just such an angle, and then it was seen again when business began in the court and it was time for the audience to come to a hush, and the wheels of justice began to grind. It is a pity unspeakable that such an equipment as he possessed for the highest judicial service, should have been beset with a temperament so partisan that it almost at once arrayed itself on one side or the other of the case, and made the labors of those whose duties had assigned them to the other side so onerous and onesided as to be almost unbearable. Had this been the whole complaint against the Judge, he might still have retained his place, but to this fault of arraying himself on one side of the case was added a spirit of intolerance which found

BRADLEY B. SMALLEY

Born in Jericho, Vt., November 26, 1835. He was the son of David A. Smalley, Judge of the United States District Court. He removed to Burlington in 1839 and was educated in the schools of that town. He studied law and was admitted to the bar in 1863. He was clerk of the United States Court from 1861 to 1865 and United States Commissioner from 1861 to 1896. He represented Burlington in the Legislature in 1874 and 1878. He was the Democratic candidate for United States Senator in 1880 and for Governor in 1892. He was Collector of Customs for the District of Vermont from 1885 to 1889 and from 1893 to 1897. He was a delegate to the Democratic National Conventions of 1872, 1876, 1880 and 1884. For many years he was the Vermont member of the Democratic National Committee and was one of the most active party leaders of the nation in the direction of its national campaigns. He was one of the Vermont Commissioners to the World's Columbian Exposition. He was a director of the Central Vermont Railway Company and president of the Burlington Trust Company. He married Caroline Baxter of Burlington and one daughter was born to them, Caroline, now Mrs. J. Holmes Jackson Mr. Smalley died November 6, 1909.



Hon. Bradley B. Smalley

expression in sharp words of correction and reproof which stung the unfortunate victims of his wrath. And all the while the Judge was unconscious of his manner until he was met by opposition in the Legislature in 1878. He went to Montpelier and there met some of the members of the Legislature, and by his pleasant address made friends and secured his re-election. But he was not able to repeat his success two years later in the face of the strong opposition against him that was brought by the bar of his own county.

Following his retirement from the bench he removed to Rutland, where he was associated with his son, James C. Barrett, until his untimely death in 1887, after which he practiced alone until failing eyesight compelled him to relinquish his professional labors. He died at Rutland, April 1, 1900.

LOYAL C. KELLOGG

1816-1872

Loyal C. Kellogg was the son of John Kellogg, who was a lawyer and lived at Benson, Vt. Loyal C. Kellogg was born at Benson, February 13, 1816, and graduated at Amherst College in 1835. He studied law in the office of his father, at Benson, and with Phineas Smith at Rutland, and was admitted to the bar in Rutland at the September term, 1839. He located in Benson, which he represented in the General Assembly in 1847, 1850, 1851, 1859 and 1870. He was a member of the Constitutional Conventions of 1857 and 1870 and president of the former. In 1859 he was elected a Judge of the Supreme Court and served eight years. He was elected for a further term, but declined to serve. He removed to Rutland while Judge, but returned to Benson when his judicial duties were at an end. Amherst College conferred on him the degree of LL.D. in 1869.

Judge Kellogg inherited strong judicial qualities of mind from his father, as well as high character. He was a learned and sound lawyer, but not as quick and ready as some of his brethren, though his arguments were exhaustive. He possessed an enviable reputation for ability, learning and integrity. He was faithful and conscientious in the discharge of his judicial duties, and examined questions with great learning, fairness and impartiality. In the trial of jury cases he was the opposite of Judge Phelps, being exceedingly slow, and taking weeks for the trial of a single cause sometimes. He took full notes of the testimony, and if he made a mistake in the formation of a letter, his penknife was brought into use and the correction made, the witness being halted while this was going on. He so abounded in good qualities that his care to cross his t's and dot his i's was overlooked, and the incident delays suffered without complaint.

After his retirement from the bench he interested himself in historical matters and wrote many valuable communications for the press in connection with the local history of towns and the State. His last production was an effort to prove from official records that "Slavery had no legal existence in Vermont," a position which he should have been able to establish, because the condition of master and slave, as such, was made impossible by the provisions of the Constitution of 1777. He wrote one of the best town histories ever written in the State, that of his native town. He took high rank as a legislator, and introduced a bill "authorizing the formation of railroad corporations and to regulate the same." It failed of passage at the time, but was taken up and passed at the next session. Judge Kellogg resided at the ancestral home after his return from Rutland, living there in the family of his brother. He never married. He donated his law library to be kept in the court house at Rutland for the use of the courts and the profession. He died at Benson, November 26, 1872.

ASAHEL PECK

1803-1879

Judge Taft regarded Asahel Peck as the greatest jurist that Vermont has produced. He was born at Royalston, Mass., February 6, 1803, and was the son of John Peck who came to Vermont with his family in 1806 and settled on a farm in East Montpelier, where he died in 1838. Asahel Peck early showed a fondness for books, and by the light of the kitchen fireplace prosecuted his studies as a boy far into the night. He attended the district schools, and chopped wood to obtain money to enable him to attend the academy at Montpelier, where he fitted for college. In 1827 he entered the University of Vermont in the sophomore class, but left one year later on account of his inability to support himself. After leaving college he went to Canada and studied French for a year; he became proficient in the language and could speak it with facility. He studied law at first with his brother, Nahum, at Hinesburg, later with Bailey and Marsh at Burlington, and was admitted to the bar at the March, 1832, term of the Chittenden County Court. He began practice in Burlington and very soon associated with his own name that of Archibald W. Hyde, who was Collector of Customs for the district of Vermont, and long did business under the firm name of Hyde and Peck, though it is said that Hyde never had any interest in the firm, but lent his name for the prestige it afforded. In 1837 Governor Van Ness gave up his practice in Burlington on becoming Minister to Spain, and turned over to Judge

Peck several important cases that he conducted with such ability in the Supreme Court as to bring him into notice as an able lawyer.

In 1848 Judge Peck was associated with Rufus Choate in the case of Bank of the United States v. Lyman and others, in the Circuit Court of the United States, reported in 20 Vt., 666. Peck made the opening argument for the defendant and argued the case so exhaustively that Choate was left little to say. Choate was astonished at the great learning which Judge Peck had displayed, and asked Lyman if there were many such lawyers in Vermont. Choate said that they had not got them in Massachusetts, and he urged Judge Peck to go to that State and engage in practice, which he assured him would be profitable. In 1848 Judge Peck joined the Free Soil Party, but had before that time been a Democrat. He attended the Free Soil Convention that year at Buffalo, that was presided over by Salmon P. Chase and nominated Van Buren for President and Charles Francis Adams as Vice President. When the Republican party was formed he joined and remained a member of that party.

Judge Peck received his first election to the bench in 1851, when he became a Circuit Judge. He continued as such until the circuit system was abolished in 1857. He remained off the bench from 1857 to 1860, but in the latter year when Chief Judge Redfield retired, he came into the Supreme Court and remained until 1874, when he was elected Governor. The day before his election he resigned as Judge, and after leaving the bench and while he was yet Governor he engaged in practice to some extent and was employed in some of the more important cases in different parts of the State. But his affections were toward his farm in Jericho, where he tilled the soil with his own hand, and spent the evening of his days in quiet and comfort. He never married. Here he died May 18, 1879, in the confidence in the hereafter which was expressed in his last words, which were: "I have no fears but that I shall fare well in the hands of the Great Judge."

Judge Peck was perhaps the most unique character who has sat on the bench in Vermont. That he had natural qualities of great strength is certain, and it is equally sure that these were accompanied by an indomitable will, great physical endurance, a capacity to hold to a task for a long time without wearying, and an unusually retentive memory. These elements in his nature and the midnight oil made the great lawyer; and his kindness of heart, tenderness and compassion, charitableness and forgiveness made the great Judge. He espoused the law, and to it he bent the best energies of his life. But it has been said that he was unique. He was so indeed. He would start in the morning from his boarding place at the American House in Burlington for his office on Pearl Street, and get there perhaps at noon. Then he would go back to dinner and after dinner start again for his office

and reach there by tea time. He had spent his time in conversation or in giving advice on the street. His best working hours were at night, and he would sometimes go to his office as late as eleven o'clock, where he would work until he was tired, then lie down on his office table and sleep until morning. He used to say he never lost a paper in his life, and never could find one. He kept no books of accounts, relied on his docket entries in making his charges, and made no charge unless he needed money, but could tell with great accuracy how much his client owed him. He did not speak eloquently, but did speak convincingly. He was the complete master of both the law and the facts of his case to the last detail, and convinced jurors by the massive power of his statement and the logic of his argument. He was thoroughly honest, too, and the jury knew it. He was slow of speech, but quick at repartee, as Jacob Maeck found on an occasion when he interrupted him in the opening of his argument by saying: "Brother Peck, your mill doesn't seem to go very well," to which the Judge replied: "When it does go it will grind your grist for you," and it did. The Judge wore the ruffled shirt of the period while he was on the bench, and long before the week was over the white linen showed unmistakable evidence of both the snuff and the tobacco in which the Judge indulged, but he was not accustomed to make any change in this part of his dress until the week-end. It was thought by some of the bar that it would be well to appoint a committee to call on the Judge and make an appeal to him in behalf of neatness to change his garment during the week. Mr. Phelps, who was the natural diplomat of the bar, was made familiar with the proposal of reform and asked that the matter be left with him to adjust with the Judge. This was accordingly done, and at Middlebury, soon after, where they were both in attendance at court, he sought to discharge his self-undertaken mission in this manner. He called upon the Judge in his room quite early in the morning and gave him a hint of what he would have done by saying as he was about to leave: "Now I am going out to change my shirt. I always change my shirt twice a week." To which the Judge instantly replied: "Why, Phelps, what a dirty cuss you must be."

Once at least he deviated from his usual custom in dress, for when he was at Chelsea he startled and amused the court folks one morning by appearing arrayed in two shirts and two collars, each prominently in sight. Perhaps he substituted paper wads for chewing tobacco when he was sitting on the bench. At any rate, he was accustomed to carry these in his mouth when in court and there were occasions, but they were very few, when he laughed while on the bench and the wads were expelled and flew forth like thistledown before the wind.

It is interesting to hear Senator Dillingham tell of the days when he was Secretary of Civil and Military Affairs under Governor Peck

from 1874 to 1876, and drove a "spike tail sorrel horse" to Jericho with messages to His Excellency. On one of these occasions he carried a representative of the State of New York, who had come to ask the Governor to grant a requisition for the return of a fugitive from justice from that State who had fled to Vermont. The Governor was at work among his cabbages, but left his gardening and entered the house with his caller. I think the visitor had mistaken Judge Peck for a servant and had made inquiry of him where the Governor was and had been told that he was the Governor. It was just dusk, and a light was needed to examine the papers. The Judge got a tallow dip and lighted it, then placed his thumb nails on either side of the lighted wick, and using them as a pair of shears, nipped off the wick, and taking up the documents read them from beginning to end without saying a word or changing his position. When this was done he commenced a discussion of the law of requisitions and extended it until it had covered the whole subject. His guest had stood spell-bound with admiration while this exhibition of learning was going on, and when the Judge had finished, he exclaimed to Senator Dillingham: "What a wonderful man!"

At another time Governor Peck was with his staff at Concord, Mass., to share in the celebration of the hundredth anniversary of the Battles of Concord and Lexington. It was Sunday morning, and the party were at a barber shop for the purpose of getting shaves. The shop was full of other customers and the wait promised to be a long one for the Vermonters. In this situation Governor Peck made overtures to the barber for a razor and the other accessories and in the presence of the crowded shop stood before the glass and shaved himself.

But we are speaking of him as a Judge. An associate of his on the bench, himself a lawyer of national repute, says of him that he knew more law than any other man with whom he was ever acquainted, and this was the common judgment among the profession. His written opinions are models of judicial style. They go to the bottom of the subject, and are logical in every particular. The language is clear and accurate. He said neither too much nor too little. His attention was not much engaged in collecting authorities. He resorted principally to the early English reports and the classic text books and drew his inspiration from these.

His success was less at *nisi prius* than in the Supreme Court. His charges were full and clear, but he would give special prominence to the side he thought was right. Naturally he did not always know what was the right side and so sometimes he espoused the wrong side. During the early part of his judicial career he was so careful to give respondents their full rights that he overdid the matter and many

escaped punishment who deserved it. Some of these escaped on technicalities and others by reason of the caution which the Judge gave the jury in his charges. One of these cases was against Henry Welcome for larceny. After his acquittal on the charge of larceny he went to Hinesburg and murdered one of the Judge's old friends in cold blood. This had a marked effect on the Judge, and it was as easy to convict respondents in his court after this time as it was to acquit them before. It was said of him, too, old bachelor as he was, that his sense of chivalry always caused him to array himself on the side of the woman in the case, if there was one, and that she was sure of the verdict. And the opposite is said to have been true of his attitude in cases in which corporations appeared against an individual.

He took full notes of the testimony and never decided hastily; sifted the wheat from the chaff of the case; delighted in complicated questions; had no favorites; was kind to young lawyers; bore himself with dignity and gravity; possessed great caution; read his papers in full before signing, and often underscored and interlined them; sometimes had bursts of passion on the bench, but the sun never went down on his wrath; he never harbored resentments or said harsh things of anybody; and even his chastisements were regarded as blessings.

Not alone in the law was he learned, but he had a great store of general information with which he could make himself exceedingly interesting. He was not a church member, but was a profound student of the Bible, and a believer in its doctrines and promises, and was the best informed man in that book that Governor Dillingham ever knew, which is saying a good deal when it is remembered that he was Paul Dillingham's son. Such was Judge Peck, and if these qualities made him the greatest of our Judges, so he was. The judgment is not a far cry from the truth.

HERMAN R. BEARDSLEY

1800-1878

Herman R. Beardsley was born in Kent, Conn., July 21, 1800, and came to Grand Isle with his father soon after that time. The son was placed in charge of Rev. Asa Lyon, a very learned, classical scholar, who tutored him and prepared him for college. He entered the University of Vermont in 1819, but left in his junior year, studied law with Bates Turner at St. Albans, and afterwards with Asa Aldis at the same place. He settled and thereafter lived in St. Albans. Here his practice was large for more than fifty years. In 1865, on the resignation of Judge Asa O. Aldis, he was appointed Judge. His life had been passed in the active pursuits of his profession, and as an

advocate, and the duties of the bench were not congenial to his tastes. His place was as a disputant before the court, and not as one sitting in judgment. He was a genuine scholar, a brilliant lawyer, and an eloquent advocate. William C. Wilson, of Bakersfield, was elected as his successor, and in November Judge Beardsley resigned his office, not to take effect, however, until December first. He never sat in the Supreme Court. He died at St. Albans, March 9, 1878.

WILLIAM C. WILSON

1812-1882

William C. Wilson was born in Cambridge, Vt., July 23, 1812. His father was a farmer and until eighteen years of age William worked on the farm and attended district school, then went to school in Jericho and by teaching got money enough so he could study law, which he did first in Cambridge, then for two years in Fairfax, and finally in St. Albans. He was admitted to the bar in Franklin county at the September term, 1834, settled in Bakersfield and obtained a large practice. He was State's Attorney in 1844 and 1845, Assistant Judge of the County Court in 1849, 1850, and 1851, member of the Constitutional Conventions of 1843 and 1850, State Senator in 1848 and 1849, and Representative in the Legislature in 1863, 1864, and 1865. In the latter year he was elected a Judge of the Supreme Court and served until 1870. He removed to St. Albans in 1867, but after a residence of two years returned to Bakersfield. He went to Minnesota after his retirement from the bench and died at Rochester in that State, April 16, 1882. He did not resume practice after leaving the bench, but began writing upon a law work for publication in Minnesota which he was unable to finish. By his first wife he had three children, one of them, William D. Wilson, well remembered as a lawyer at St. Albans, one the wife of M. R. Tyler, a lawyer in St. Paul, and formerly of Burlington where he preceded Justice Haselton as Municipal Judge, and the third the wife of Judge C. M. Start, of Rochester, Minn., a brother of Judge Start of Vermont.

During the time Judge Wilson was in practice in Bakersfield he established a law school there and educated in it and in his office as many as eighty students. He shares the honor with Judge Turner of maintaining the only law schools in the State.

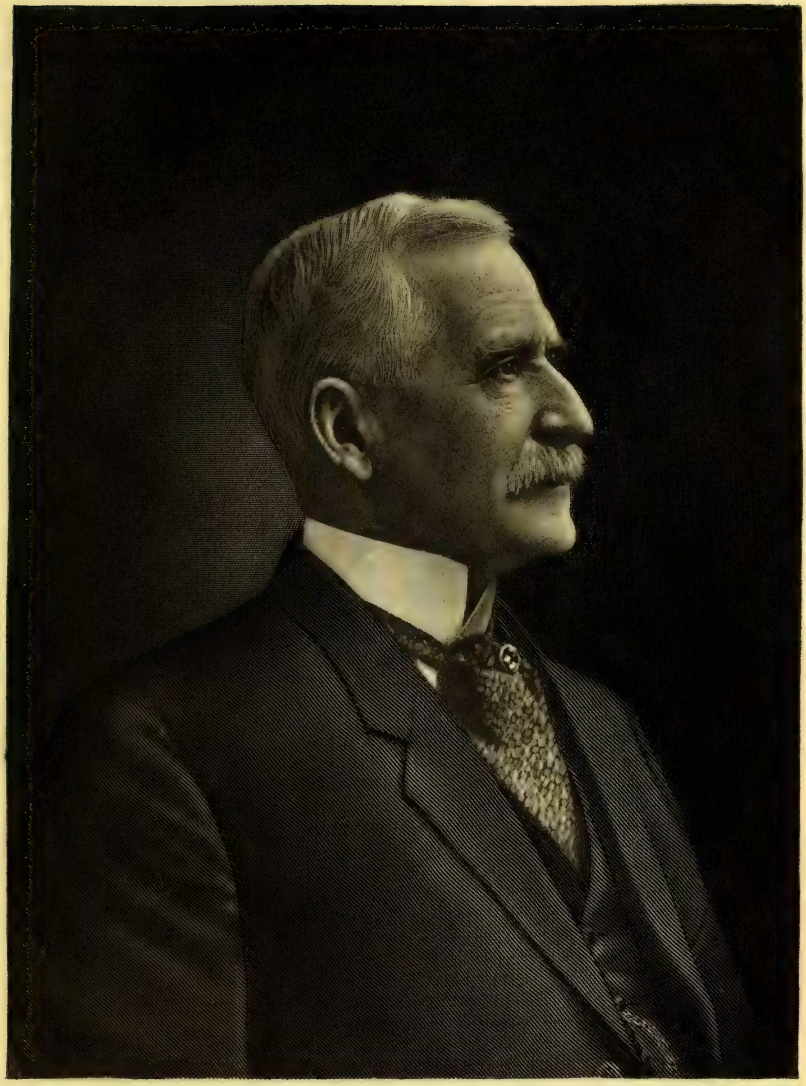
BENJAMIN H. STEELE

1837-1873

Benjamin H. Steele was the youngest person to be called to the bench and the only one of foreign birth. He was born in Stanstead, Quebec, February 6, 1837. His parents were of Vermont origin, however, citizens of the State, and were temporarily residing in Canada at the time of his birth. He was a very precocious child, and when but fourteen years of age taught school. George N. Dale, who was the faithful biographer of most of the men of his time who resided in his part of the State, gives the following picture of Judge Steele at this formative period: "He had early selected the road he was to take, and was preparing earnestly for his journey, teaching, studying, reading; now the most ardent devotee at the Derby and Stanstead academies, again reciting Latin and French to the kind Catholic priest; then busily learning French five months at the College of St. Pierre; rushing into a course at Norwich University and quickly hurrying from there to Dartmouth College for want of time to complete a course at both institutions; prostrated by sickness; burdened by the care of a family which sickness and death threw upon his capable and willing mind, he ran towards the city of his destiny with wonderful courage. Thus with a long arm and a strong will, he hewed his way through college, over the threshold of which he was stepping out into the world as the acknowledged leader of his class, when I first saw him." He graduated at Dartmouth in 1857, and began studying law at Barton, where at the same time he was principal of the Barton Academy. Typhoid fever compelled him to stop, and when he recovered he went to Cambridge, Mass., where he intended to pursue his studies in the Harvard Law School. He attended the Supreme Court of Massachusetts as a spectator and was advised to apply for admission to the bar, which he did, with the result that he was admitted at the age of twenty-one. He was examined by Benjamin F. Butler, who took occasion in recommending him to comment on the remarkable manner in which he had acquitted himself and pronounced him an example of thorough training in the law. He was also commended by Rufus Choate, who heard a part of his examination. He prepared to go West, but his friends induced him to locate at Derby Line, where by his genius he quickly went to the forefront in his profession. When Judge Poland was appointed to the Senate, in 1867, Governor Paul Dillingham filled the vacancy in the Supreme Court by the appointment of Judge Steele. Only twenty-eight years of age when he accepted service, he was one of the ablest Judges during the five years that he remained on the bench. He presided with great ease and dignity, was patient in his investigations, and

JAMES K. BATCHELDER

Born in Peru, Vt., November 10, 1843. He was educated at Burr and Burton Seminary in Manchester and at Middlebury College. He studied law with Judge James M. Tyler and at the Albany (N. Y.) Law School, and was admitted to the bar in 1866. He practiced law for many years in Arlington but in 1884 opened an office at Bennington, forming a partnership with Edward L. Bates. He was State's Attorney of Bennington county from 1874 to 1884 and represented Arlington in the Legislature in 1874, 1876 and 1884, serving as Speaker in 1884. In 1912 he was a member of the Vermont Senate. He was a Presidential Elector in 1880 and was appointed by Governor Fuller a commissioner to establish the boundary between Vermont and Massachusetts. In 1908 he was elected president of the Vermont Bar Association. He is a student of Vermont history, particularly that portion dealing with Bennington county.



disposed of all questions with promptness, care and accuracy. His opinions were finely written, the result of his education, scholarly mind, literary taste and accuracy of expression. The settlement of the large estate of his wife's father demanded his attention, and he declined re-election in 1870. He was appointed a member of the State Board of Education the same year, and in 1872 was a candidate for Congress against Judge Poland in a contest in which the latter was barely successful. He attended the National Republican Convention in 1872 and drew the civil service and tariff planks in the platform.

Judge Steele was not only a sound lawyer but a thorough student, a profound thinker and an orator. He enjoyed an enthusiastic following among the young men of his party and would have held a high place in national legislation had his life been spared. His last years were spent at Hartland, where his widow resided after his decease, and not many miles from the home of his sister, the wife of Gov. Samuel E. Pingree. Those who have known the charm of her personality, the graciousness of her manner, and the attractiveness of her countenance, can readily realize the leadership which her brilliant brother acquired. His brother, Judge Sanford Henry Steele, an eminent lawyer and Judge, died in New York in 1920; another brother, Hiram, was a Judge in New Orleans.

In 1873 Judge Steele went to Minnesota, where he hoped to arrest the progress of the disease from which he was suffering, tuberculosis, but his efforts were unavailing, and he died at Faribault, in that State, July 13, 1873. I call Governor Dale again, this time to say the final word. It is the tribute which he gave at the commemorative meeting of old neighbors and friends at Derby, and is worthy of Ingersoll: "A pleasant, happy father, husband, brother, man. From his couch in that far off Western town he looked back upon no wild irregularity of his youthful or riper years. He looked back with conscious rectitude, through the fact that he had done all he could, and with regret that he could no longer comfort his friends; and forward, across the river lit by the faith of that church, the forms and creeds of which had long been pleasant to his mind; then quietly passed beyond our view."

JOHN PROUT

1816-1890

John Prout was born in Salisbury, in Addison county, November 21, 1816. His education was in the common schools and at an academy, and for a time he followed the printer's trade. Then he took up the study of law with Ebenezer N. Briggs, at Salisbury, and was admitted to the bar in Addison county in 1837, and began practice with Mr.

Briggs. He represented Salisbury in the Legislatures in 1847, 1848, and 1851, and was State's Attorney of Addison county from 1848 to 1851. He removed to Rutland in 1854, and there pursued his profession most successfully until his retirement in 1886. He was a partner in Rutland at different times, of Caleb B. Harrington, Charles Linsley, Walter C. Dunton, Ner B. Simons, and Aldace F. Walker. He represented Rutland in the House in 1865 and 1866, and was a Senator from Rutland county in 1867, and the latter year was elected a Judge of the Supreme Court, serving for two years and declining re-election.

Judge Prout was a learned lawyer, and had spent his life studying law and advising important clients how to conduct their business along legal lines. Many of these clients were corporations and railroads, and the Judge had been more active with these clients in the office than in the courts. He was regarded highly in the Supreme Court, where he argued his cases quietly, in a conversational voice, without the least display, sometimes prefacing what he had to say by telling the court that he would "like their attention for about thirty minutes." He had a large library and the latest text books, and was well posted in the law. His training made Judge Prout well qualified to perform the duties of a Judge in the Supreme Court, where he was as well equipped as almost any man who has become a member. But he was not as much at home with the work of the County Courts. His voice was low, and he did not make the lawyers or jury hear him. In one case David E. Nicholson said he would take no exception to his charge because the jury hadn't heard a word of it.

He declined re-election because he did not enjoy travelling about the State to attend court, most of which had to be done in the winter months, and besides he was in good financial circumstances and not in need of the salary.

He retained his library and office after he had retired from active practice, and here he was the best friend of the bar of Rutland county, the members of which looked to him and his office as the center of legal opinion and judgment, and the county came to look at the matter in the same way.

Judge Prout died at Rutland, August 28, 1890.

HOMER E. ROYCE

1819-1891

Homer E. Royce, nephew of Judge Stephen Royce, was born at Berkshire, June 14, 1819, and died at St. Albans, April 24, 1891. He was a man of marked natural ability, an able lawyer and a good Judge. His education was in the district schools, and at the academies at St.

Albans and Enosburg. He studied law in the office of Thomas Child, at East Berkshire, was admitted to the bar in 1844 and formed a partnership with his tutor which lasted for two or three years at East Berkshire, after which he formed a partnership with his cousin, Heman S. Royce, with whom he practiced for about the same length of time at Highgate. He was State's Attorney for Franklin county in 1846 and 1847, and the latter year represented Berkshire in the Legislature. In 1849, 1850, 1851, and again in 1861 and 1868, he was a member of the State Senate from Franklin county and did notable work on the Judiciary Committee. When he was first elected to the Senate he had just passed the age limit and was the youngest member of that body. He located in St. Albans in 1856, where he continued to reside until his death. In 1856 he was elected to Congress, where he was likewise the youngest member of that body, and was re-elected two years later. Here he rendered distinguished service and made a notable speech in opposition to the acquisition of Cuba. He returned to the practice of law in Franklin county, and remained therein until 1870, when he was called to the bench, where he was retained in constant service for twenty years, when declining health admonished him that he must refuse further service. On the death of Chief Judge Pierpoint, in 1882, he became Chief Judge, and remained as such until his retirement, although there were one or two spirited contests over his re-election.

Judge Royce gave one the appearance of solidity rather than brilliancy, but he had both. He had a powerful brain and he possessed the graces of an effective speaker. His opinions did not show the genius that his labors in the County Courts displayed, but he was a good lawyer, a sound reasoner, and his mind went directly to results without a long dissertation on the reason of things. His charges to the grand and petit jurors were practical, plain and helpful, and his ideas about the admissibility of evidence were exceptionally accurate. At one term where he presided twelve cases were taken to the Supreme Court, and in every one of them the judgment was sustained. He sentenced prisoners in terms so tender and pathetic that they sometimes overwhelmed him with thanks.

He was bold and stubborn in his views and was not moved by public clamor. He was true and genuine in all his actions and abhorred everything that savored of show or sham.

TIMOTHY P. REDFIELD

1812-1888

When Timothy P. Redfield was elected to the bench he was fifty-eight years of age. His brother, Isaac, had then been off the bench for ten years. What was lost to the State by the late arrival of Judge

Redfield to the bench was gained at the bar, where he was distinguished as an advocate and able lawyer. He was born at Coventry, November 3, 1812, and was thus a little over eight years younger than his brother Isaac. He prepared for college at Peacham Academy and walked most of the way from Coventry to Hanover when he entered Dartmouth, where he took up his studies in the freshman class after it had advanced eight months in the course. He was without means and could reasonably expect very little help from his father, but by teaching three months each winter he added something to his scanty finances and now and then a kind and admiring friend gave him financial assistance so that he was able to graduate in 1836. This was eleven years after the graduation of Isaac, with whom he at once commenced to study law at Derby, turning aside for a time while he taught at Brownington Academy. But this did not retard his progress toward his profession. He was admitted to the bar in 1838 and began practice in Irasburg. He remained here until 1848, when he removed to Montpelier, where he resided for the remainder of his life. In 1839 he represented Irasburg in the Legislature; in 1848 he was a Senator from Orleans county; and in 1869 was a member of the Council of Censors. These and the office of Judge were his only public trusts. He was elected to the latter office in 1870 and continued until declining health and enfeebled mental condition compelled his retirement in 1884.

He had been in practice continuously for thirty-two years when he was called to the bench and was among the foremost lawyers in the State. During his practice at Montpelier he was often associated in jury trials with Gov. Paul Dillingham, the greatest advocate at the bar, who, when the testimony was closed, would say to Judge Redfield, "Now, Timothy, you preach, while I, Paul, will pray." And tradition has it that with the preaching of the one and the praying of the other they never lost a case. While Judge Redfield was never so ardent a student as his brother he was regarded as stronger by nature and I infer that he was the better advocate. He possessed an excellent memory, fine reasoning powers, a subtle intellect and sound judgment. As a practitioner he was self-possessed, cautious, skilful, clear-headed and quick to discern the weak points in his opponents' case and the strong ones in his own. He was a careful and wise cross-examiner of witnesses, and an advocate who impressed the jury with his apparent fairness and candor. He usually proceeded in a quiet manner to marshal the facts, which he impressed on the jury with the aid of many anecdotes and illustrations. When he was aroused he spoke rapidly and in ringing, incisive tones. The latter characteristic followed him to the bench and made itself manifest sometimes to the dismay or chagrin of counsel. He had a way of turning a case in the direction that he thought it should go by an eloquent pause, after which he would

begin with an ominous "but" to marshal the facts upon the other side, and to combine them in so striking and suggestive a manner as apparently to call for a judgment or verdict directly opposite from that suggested by his opening remarks. When he had summed up the case in his charge upon his standpoint of its justice he would make the lawyer who was getting the worst of it wince and the one whose law and facts the Judge thought were right ashamed of himself to see how a real artist could do his work. Of unquestioned integrity, such was the confidence of the people in the counties of Orleans and Washington when he came to the bench that the jury were inclined in many instances to render verdicts in accordance with what they deemed to be his views of the case, and these views became noticeably apparent, we have reason to believe, in many of the cases which he tried. The oil painting of the Judge which hangs back of the bench in the County Court house at Montpelier is a silent reminder of the able, scholarly and upright Judge who presided over the court in Washington county for almost a decade and a half. Refinement, dignity, character, and stern justice are all marked in the strong lines of the intellectual face that looks out upon the bar and court room from the draperies behind the presiding Judge. I wonder if any Judge ever sat beneath this portrait who did not feel the strength come down from the canvas that preserves and reflects so much of the greatness that was once in the flesh and speaking from the bench below? It is little wonder that the elder Mr. Wing on being asked to contribute toward the painting, the gift of the bar, remembering the occasions when the countenance of the Judge was his undoing, should have replied that he "would cheerfully do so if they would turn the face of the picture to the wall whenever the court was charging the jury."

As a writer of opinions in the Supreme Court, he was more concise than his brother. His opinions show good legal scholarship, keen perception, sound judgment and fine judicial poise. But it was as a trial Judge that he will be longest and best remembered. Here his example as a gentleman, and his insistence that the bar should conform to like conduct, not because they owed it to him as the Judge, but to the law which was greater and nobler than those who administered it, gave the courts over which he presided a dignity and decorum that outlasted his own life and are still felt. The rule requiring counsel to rise when examining witnesses was, I think, the result of his suggestion, and perhaps the rule requiring those in the court room to get up when the court comes in. At all events he frequently called attention to the reverence which was due to the business which was being transacted in the courts, and insisted upon decorum, and the bar cheerfully acquiesced in and profited from the perfect order that marked the proceedings in Judge Redfield's court.

He was a fine classical scholar, enjoyed the beauties of the best literature and was profoundly learned in the history of the common law and the principles that underlie our political development. If the case on trial happened to point in the direction of his rare historical knowledge of the law, he would digress on the subject in his charge or ruling with an interest and charm that would captivate his hearers. In social life he was a delightful companion. Simple in manner, frank in speech, abounding in anecdotes and reminiscences of the bar, it was a joy to be in his company.

Judge Redfield had long entertained a desire to visit Europe. This was gratified in 1883 when he visited England, France and Italy. From the latter country he wrote a series of letters which were published in the *Argus* and *Patriot*. His health did not improve as he had hoped, and on his return he voluntarily retired from the bench. He died at Chicago, Ill., March 27, 1888, and was buried in Green Mountain cemetery at Montpelier.

JONATHAN ROSS

1826-1905

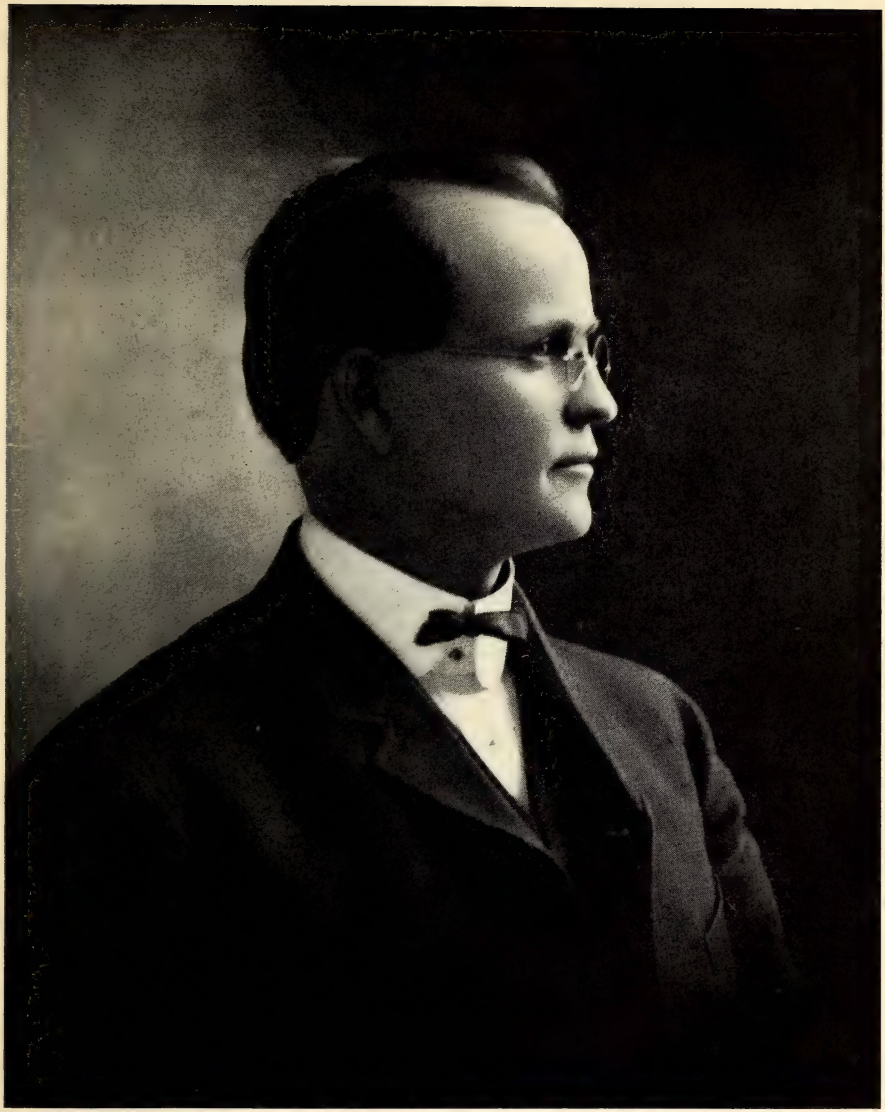
Jonathan Ross was first elected in 1870 and took office December first of that year, continued therein until his appointment as United States Senator, January 11, 1899, and was Chief Judge from 1890 until his retirement from the bench. Judge Ross was one of the best Judges who ever graced the courts of Vermont.

He was born at Waterford, April 30, 1826. In an evenly balanced family of six boys and six girls Judge Ross was the eldest son and the third child.

Until eighteen years of age he worked upon his father's farm and attended the winter terms of school. After that time he taught for seven consecutive winters to get funds with which to attend a select school in his native town and the academies at Danville and St. Johnsbury. He entered Dartmouth in 1847, and graduated in 1851. After graduation he taught one year in Craftsbury Academy and two years in Chelsea Academy, where he pursued the study of law in the office of William Hebard, and was admitted to the bar in Orange county at the December term, 1855. He was twenty-nine years of age. In the spring of the next year he located in St. Johnsbury, where he remained the rest of his life. Here he practiced law, and had as partners at different times Andrew J. Willard, Gustavus A. Burbank and Walter P. Smith. He was treasurer of the Passumpsic Savings Bank from 1858 to 1868; State's Attorney in 1862 and 1863; member of the General Assembly in 1865, 1866 and 1867; member of the last Council of Cen-

RICHARD A. HOAR

Born in Houghton, Mich., December 28, 1864. He learned the blacksmith's trade and earned money to secure an education. He removed to Barre, Vt., in 1886, and worked in a granite quarry. Meanwhile he studied law and was admitted to the bar in 1889, opening an office in Barre. He was City Attorney, 1896-97 and State's Attorney for Washington county, 1898-1902. He was also attorney for the Barre and Montpelier Traction and Power Company, and one of the prominent lawyers of central Vermont. He married Mary M. Keith of Barre in 1887, and six children were born to them, Ellen M., Bernice W., Lewis K., Richard A., Jr., Elizabeth A. and Redfield D. Mr. Hoar died November 24, 1920.



Richard A. Hoar.

sors, which met in 1869; and county Senator in 1870. He was elected a Judge of the Supreme Court in 1870, and for twenty years continued as an Assistant Judge. In 1890 he was elected Chief, and so remained until his voluntary retirement in 1899. On January 11 of that year he was appointed by Governor Smith United States Senator to fill the vacancy caused by the death of Justin S. Morrill. This place he held until October 18, 1900, when the Legislature elected William P. Dillingham to the place. On December 1, 1900, he was appointed chairman of the State Railroad Commission, and served as such for two years. After his retirement from the office of Senator he returned to the practice of law, had a considerable clientage and heard several cases as master and referee. He was elected President of the Vermont Bar Association in 1900.

As a practitioner Judge Ross made himself useful to his clients by employing his exceptional business judgment in their behalf and by the careful attention that he gave to all questions of law that were submitted to him. It was as an office lawyer where a good business judgment counts that he most excelled in his practice. He was not gifted as a disputant in court and it was due to his profound knowledge of the law and high standing as a man that he was selected to the bench rather than the work he had done before the courts.

No one ever rendered more conscientious and faithful service on the bench. Even to the keeping of all the hours in court he was scrupulously faithful. When the work lagged he would get the attention of the bar and the Clerk and call the docket. If he lost some time in the forenoon he would make this up in the afternoon and if then the day's work did not seem roundly done he would hold a night session. Nor was this all that he had done for the dispatch of court work. He tried to keep the bar busy—not always an easy task. He would admonish the lawyers that they "must go right along and make no delays," cautioning them that "it costs a hundred dollars a day to run court." When a witness left the stand he would tell counsel to "call the next witness," and in this way he tried to accomplish much in a short time and to save expense to the State. It was not as apparent to counsel as to the Judge that he gained greatly by this process and sometimes he was met by a protest from the bar that his conduct was not conducive to comfort nor helpful in results. On one occasion of this kind when the local bar was moved to call on him to ask for more favorable treatment at his hands, he said that he was unconscious that he was trying to hurry the bar, expressed his sorrow that they should have had occasion to complain, and promised that there should be no further cause to do so. Before the second day had passed, however, he had returned to his old habit, and was again saying to counsel: "Call your next." He looked upon the office of Judge as being

something more than that of a moderator, and felt that it was his duty to see that justice was administered and the law enforced. I received from his hands my first appointment as State's Attorney. There had been a vacancy and it became the duty of the Judges of the County Court, the presiding Judge and the two assistants, to fill it. As I was passing the open door into the Judges' room I overheard Judge Ross inquiring of his associates, who were friendly to me, as I happened to know, thus: "Is he a terror to evil doers?" Once when he returned from holding a term in Chelsea, where many criminal cases had been tried, he betrayed his sympathy for the side of the State when asked how much criminal business had been done, by saying: "We have tried thirteen criminals and convicted eleven of them." He was sure to have the respect of the jury and had great influence with them. He talked out the law with them in a rather conversational way and without strict regard to order or the rules of grammar, but when he had finished not much remained to be said and few grounds for exceptions were to be found. He had made sure to state the law, although not always in the language of the books. Once in a case of intoxication he defined that term in so roundabout a way that Judge Bliss, who was a ready wit and knew more about the subject than the Judge, said it furnished its own illustration. But if the definition was intoxicated it answered the purposes of the trial, for the respondent was convicted and no exception was taken.

The resourcefulness and ingenuity of Judge Ross were well illustrated in the case of State v. Hodgson. This was a liquor case, a class of cases that Judge Ross liked to try almost as well as Judge Thompson. He used to say in his peculiar way about such cases that the Legislature at each session had strengthened the law and "the courts had tried to keep pace with the Legislature." This was a case for selling and the usual statutory words had been employed in the information, namely, that the respondent "did at divers times sell, furnish and give away intoxicating liquor without authority," etc., without naming the persons to whom sales were made. The usual specification had accompanied the information in which the persons to whom sales were alleged to have been made were named together with the times and places of the sales. The proceeding was attacked on the ground that the respondent had not been apprised of the nature and cause of the accusation against him, rights which were secured by him by the Constitution of Vermont and of the United States. Judge Ross in the opinion of the Supreme Court of Vermont held that the information and the specification should be treated as one accusation and when so considered that they answered the constitutional requirements. He declared that the principles in civil and criminal pleadings are alike and found an analogy to this case in the action of general

assumpsit where specifications are filed. Our Supreme Court reached the extreme border line of construction in this case in "trying to keep pace with the Legislature," and Mr. Phelps, who argued the case at Washington for the defendant in error was confident that the decision would be reversed. It turned out otherwise, but there were misgivings on the part of that court, for Mr. Justice Brewer told Governor Allen that I "stood on mighty thin ice," and he said to me: "You noticed, did you not, that Mr. Justice Shiras wrote the opinion in your case? Justice Shiras is a very ingenious man. The court asked him to write the opinion." An examination of the case will show that what Justice Shiras did was to quote the opinion of Judge Ross with approval.

As a trier of fact Judge Ross was *par excellence*. He was patient, attentive, tireless in receiving and tenacious in holding all the details in the case, and absolutely honest-minded when he came to the question of the decision. He loved justice, and he would go a long way and overcome rather formidable objections to administer it. He acquired knowledge with wonderful facility, and retained and handled facts with great ease. He left no unfinished business when he left a term of court, unless he was compelled to go to other employment before he could finish, and he decided his cases promptly, showing again the principles of the good business man in his office as Judge.

He took full notes of the testimony in a hand that formed each letter perfectly and was so fine that much was condensed on one page. He never stopped the witness to give time for the completion of his record, as did Judge Loyal Kellogg, but rather hastened the witness' story, and yet found time to get down the main part of his testimony and to add here and there, in parentheses, interrogatory and explanatory expressions which bore on the character of the witness and the story he was telling.

While sitting in *banc* Judge Ross was an ideal Judge, and he presided over the Supreme Court as Chief Judge with dignity, kindness and dispatch. He followed attentively the arguments of counsel and in writing his opinions stated his points clearly, fully and ably. It is an interesting circumstance that while as a speaker there was a halting in his phrase and sometimes a disregard of grammar, yet when he wrote, his thoughts flowed in unbroken rhythm and in perfect English.

He had remarkable reserve power. The great questions that arose in cases involving new considerations of importance received the most careful attention at his hands. He went to the bottom of a subject and discussed it learnedly, exhaustively and convincingly. His opinions written for the Supreme Court are among the best in its records and his tributes to departed brethren of the law and occasional addresses conform in style and substance to the best standards.

On account of the political support for the Senatorship which General Grout had on the one side and Senator Dillingham on the other it would have been unfair in Governor Smith to have given either the advantage by an appointment to the office in 1899 after the death of Senator Morrill. In this situation the Senatorship was offered to Mr. Fifield of Montpelier, who declined it. Then Judge Ross was tendered the place and accepted it. The Philippine Islands had recently come to us and the question was soon under consideration in the Senate as to whether or not the principles of our Constitution applied to the new possessions. It was a question of great importance and it fell to Judge Ross as a member of the Committee on Territories to present before the Senate the legal arguments in behalf of the claim that the Constitution did not *ex propriore vigore* extend to the Islands. This he did in a formal address on the subject of "The Nation's Relations to Its Island Possessions." Someone in the Senate at the time of its delivery, who was at first inattentive to the address, was admonished by Senator Morgan, the Democratic leader, to pay attention, for the Senate "was listening to a great lawyer," and so it was. The arguments which Judge Ross presented in the address were convincing in the Senate, and his views were later adopted by the United States Supreme Court as the law.

The picture of Judge Ross is not complete without an allusion to his tall form, long sandy beard, high forehead and face of rugged strength and marked benevolence. Nor is any outline of his character faithful that omits his incapacity for resentment. He always kept his poise and was calm and undisturbed in all circumstances. Once I was sent by him from the Supreme Court chamber to summon John H. Senter, of Montpelier, to argue a case that day that had been assigned for the next. Mr. Senter was a brilliant man of high ideals in his profession, but very rough. He didn't want to argue the case that day and told me that he would not do so in terms that would not bear printing. I delivered his exact words to the Chief Judge, but instead of anger on his part was met with this further instruction, made in the most kindly manner: "You go to Mr. Senter again and tell him that *I want him to come to-day.*" Mr. Senter returned to court with me this time and began his argument immediately.

Judge Ross was in every sense a good man. He had high ideals along all social, political and moral lines and stood for the best things in life. He was most companionable; he was kind to the young attorneys and took an interest in their work and welfare; and when he retired after his long public service he went back to private practice and took up his labors with the utmost cheerfulness and good will. He enjoyed service and wanted to render it as long as he was able. He was twice married, each time to a companion of culture and refine-

ment. His first wife was a sister of Alonzo P. Carpenter, Chief Justice of New Hampshire. By this union there were five children, two boys and three girls. One of the sons, Jonathan C. Ross, a promising lawyer and a member of the New York bar, died suddenly in New York during his father's life, and the other is Dr. Edward H. Ross of St. Johnsbury. One of the daughters married John W. Titcomb, former Fish and Game Commissioner of Vermont.

The tragic death of Judge Ross occurred on the twenty-third day of February, 1905, while he was driving in a sleigh with his wife from East St. Johnsbury to his home. The horse rushed against a moving freight train, throwing both out and killing Mrs. Ross instantly. His vitality was so great that he lived for two days but did not regain consciousness.

H. HENRY POWERS

1835-1913

The father of Judge Henry Powers was Dr. Horace Powers, who practiced medicine in Morristown. He came to Lamoille county before its organization as such while it was a part of Orleans county, and practiced both before and after it was established. From 1844 to 1846 he was the Sheriff of the county. He was descended from Walter Powers who emigrated to this country in the early part of the Seventeenth century. He married Love E. Gilman, and of this union H. Henry Powers was born at Morristown, May 29, 1835. The year 1835 was an important one in the history of the bench, for on that year were born five of the Judges,—Veazey, Taft, Powers, Tyler and Rowell. Judge Powers prepared for college at the People's Academy at Morrisville, and entering the University of Vermont in 1851 graduated four years later. Following his graduation he taught a few months in Huntington, Canada, and in 1857 was called to be the first principal of the Lamoille Central Academy at Hyde Park. After a residence in Hyde Park of barely twelve months he was elected, in 1858, to the General Assembly, and enjoyed the peculiar distinction of being the youngest member of that body. In the same year he was admitted to the bar in Lamoille county at the May term, and was the tenth lawyer to be admitted in that county. During his period of preparation for the bar he had begun his studies under the direction of Thomas Gleed, of Morrisville, and had completed them in the office of Child and Ferrin at Hyde Park. In 1862 he formed a partnership with Philip K. Gleed, a brother of Thomas Gleed, under the firm name of Powers and Gleed, and practiced at Morrisville until 1874, when he

was elected to the bench. In 1861 and 1862 he was State's Attorney of Lamoille county; in 1869 was a member of the last Council of Censors; in 1870 was chairman in committee of the whole in the Constitutional Convention of that year; in 1872 was the Senator from Lamoille county; in 1874 he represented Morristown in the General Assembly and was elected Speaker. He served on the bench without interruption from 1874 to 1890, when he was elected to Congress, where he served for five terms, beginning March 1, 1891, and ending March 1, 1901. In 1892 he was chairman of the Vermont delegation to the Republican National Convention at Minneapolis.

In the practice of his profession Judge Powers took high rank, and the firm to which he belonged was one of the leading ones in northern Vermont. Judge Powers had unusual grace and power as an advocate; he possessed a wealth of wit and sarcasm; was well equipped in the law, and had a personality that was winning. He was a handsome man, and would attract attention in any public gathering. Besides these elements of advantage, he had good business judgment, and an assurance that made him fearless on the firing line. He inspired his clients with confidence, and knew how to acquire and hold an extensive clientage. In the legislative duties which he performed he was naturally in places of leadership, and commanded attention and respect whenever he spoke. His speeches in political campaigns were careful and convincing presentations of the issues that were before the public.

When he came to the bench in 1874, he was at the right age, and had had the right preparation in every way for a useful career as Judge. His studies and his practice had qualified him for the service, and his temperament was ideal for the discharge of his duties. He looked the Judge in every way, and this lent not a little to his charm as a presiding officer. I saw him preside at Newfane before I became a law student in a case where the best men at the bar were employed and while they were more than usually insistent on their rights he handled all questions with the utmost ease. He was personally an attractive and interesting man, and it is natural that he should have enjoyed the confidence and warm personal friendship of the bar.

In the Supreme Court he wrote opinions in one hundred and sixty-one cases. These are his permanent monument. They show clear thinking, careful examination of authorities, good reasoning and simplicity and beauty of diction. In the capacity for direct statement in plain and perspicuous terms he was exceptionally happy. His personality was such that his influence was bound to be felt strongly whether he sat around the counsel table as an attorney, or with the Judges in chambers. He saw a point quicker than most others and led for the adoption of his views with a great deal of insistence.

His career in Congress was a honorable one, and there was no

MAX L. POWELL

Born in Richford, Vt., April 26, 1869, being the son of Col. E. Henry Powell. He graduated from Vermont Academy in 1885, from the University of Vermont in 1889, and from the University of Geneva, Switzerland, in 1892. He studied law with his father and was admitted to the bar in 1893. He has practiced law and has conducted an insurance business in Burlington. He has been president of the Hotel Vermont Company at Burlington since its organization, owns the Van Ness Hotel in the same city and is actively interested in the hotel on the summit of Mount Mansfield. He served as Captain on the staff of General Greenleaf in the Vermont National Guard, was Deputy State Auditor, 1888-1892; Assistant Clerk of the House in 1892; Secretary of Civil and Military Affairs in 1894; Secretary of the Senate, 1896-1900; State Senator, 1910 and 1915, being President Pro Tem in 1910. In 1910 he married Lois S. McBride of Burlington. They have two sons, E. Henry and Max L. Powell, Jr.

Max L. Powell

reason why he should not have continued his service there except that others wanted the place, and as he had stayed longer by two years than had been the usual term, his defeat was not unexpected. The best tribute to his leadership as a lawyer came when he had retired from Congress at the age of sixty-six. He had been out of practice since 1874, a period of twenty-seven years, but he returned and entered it again, taking up its duties with success. He became general counsel for the Rutland Railroad Company, which he retained for several years, and was employed by other corporations and by individuals who had legal matters of importance that required attention from a skilled lawyer. During a part of the time he was in practice with his son, Justice George M. Powers of the Supreme Court.

Judge Powers married Caroline E., a sister of George L. Waterman, a leading lawyer of Hyde Park, and there survive a daughter, Carrie L. Powers, and Justice George M. Powers. Judge Powers died at Morrisville, December 8, 1913.

WALTER C. DUNTON

1830-1890

Walter C. Dunton was born at Bristol, November 29, 1830. He was fitted for college at Franklin Academy, Malone, N. Y., and graduated at Middlebury College in 1857. He studied law with Dillingham and Durant at Waterbury, and with Linsley and Prout at Rutland, and was admitted to the bar in Rutland county in 1858. He then resided for two years in Kansas, prior to its admission as a State, and was a member of the last Territorial Legislature. He returned to Rutland in 1861, and was for a time a partner of Judge Prout, and subsequently of Judge Veazey. In 1862 he entered the Union army, and served as Captain of Co. H, Fourteenth Vt. Vols. In 1865 he was elected Judge of Probate for the district of Rutland and served until April 14, 1877, when he was appointed a Judge of the Supreme Court by Governor Fairbanks, to fill the vacancy caused by promotions due to the appointment of Judge Wheeler to the United States district judgeship. In 1870 he was the member from Rutland in the Constitutional Convention of that year. Judge Dunton resigned in October, 1879, on account of ill health, and was succeeded by Judge Veazey. After his retirement his health was to a great extent restored. He resumed practice and for one year was professor in the law school at Iowa University. He died at Rutland, April 23, 1890. Both Judge Dunton and Judge Prout were natives of Addison county; they were both born in November, and died the same year. Both of Judge Dunton's partners were Judges.

WHEELOCK G. VEAZEY

1835-1898

Wheelock G. Veazey was born in Brentwood, N. H., December 5, 1835. This was the home of his ancestors for many generations. He prepared for college at Phillips Exeter Academy and graduated at Dartmouth in the class of 1859. In 1860 he graduated at the Albany Law School, the same year located in practice at Springfield, Vt., and was admitted to the bar at the December term of the Windsor County Court that year. He enlisted as a private in Co. A of the Third Regiment, Vt. Vols. When the company was organized in May, 1861, he was elected Captain, and in the following August was promoted to the ranks of Major and Lieutenant-Colonel. He was sent home to bring out a new regiment in the fall of 1862. In September of that year he was elected Colonel of the Sixteenth Regiment, Vt. Vols., and continued to serve with his men until August, 1863, when he was mustered out. He was then assured a Brigadiership by General Hancock if he returned to the service, but his health would not permit. He took part in many of the battles of the Army of the Potomac. For a time he was a member of the staff of General "Baldy" Smith, and on several occasions was placed in command of regiments other than his own. He commanded his own or some other regiments to which he was detailed in the seven days' battles before Richmond. The Sixteenth Vermont was in the three days' fight at Gettysburg, and the second day was stationed between the corps of General Sickles and General Longstreet. Colonel Veazey was ordered at the close of the second day to take his regiment and others and establish a picket line along that portion of the field where the battle of that day had been fought. The Sixteenth was stationed along that part of the line where Longstreet's corps made the famous charge the next day, known as Pickett's charge. Colonel Veazey's regiment was, therefore, in its path, and during the morning of the third day was the first to be struck by the charging column. The men under his command resisted the skirmishers until the enemy's main line approached. Then instead of falling back through the Union lines, he moved his forces back just far enough to uncover the enemy front, and thus was able to attack their flank as the column passed. At about the same time General Hancock, who was in command of that part of the field, dashed to the point where Pickett's charge was directed, and while wounded and bleeding, but still clinging to the field, was passed by Colonel Veazey who was taking up a new position so as to make a similar attack on the forces of Perry and Wilcox. Watching Colonel Veazey, and appreciating the movement which he was about to make, General Hancock said: "That's right, Colonel, go in and give 'em hell on the

flank." He then charged the flank of the two Confederate brigades, captured many hundred prisoners and two stands of colors. This was the close of the battle. It brought the young Vermont lawyer into national fame for breaking the enemy's charge, and he has been justly given credit for initiating the flanking movement which confused and shattered the final onrush of the enemy, and ended the greatest battle of the Civil War. His part that day secured him a medal of honor, under a resolution of Congress, bearing the inscription: "The Congress to Col. Wheelock G. Veazey, 16th Vt. Vols. For Distinguished Gallantry at the Battle of Gettysburg, Pa., July 3, 1863."

Colonel Veazey returned to Vermont, and as soon as his health would permit, took up practice in Rutland, continuing in the same until his election as a Judge of the Supreme Court in 1879, a position which he honored for ten years and until his appointment as a member of the Interstate Commerce Commission in September, 1889. He held many other positions of honor and trust. From 1864 to 1873 he was Reporter of Decisions of the Supreme Court, and in this capacity prepared nine volumes of the Vermont Reports. In 1872 he represented Rutland county in the Senate. In 1874 he became Referee in Bankruptcy, continuing until the office was abolished. In 1878 he and Charles W. Willard revised the statutes of the State. He was one of the trustees of Dartmouth for many years; was a delegate at large to the Republican National Convention that nominated Hayes for President; was one of the early commanders of the Grand Army of the Republic in Vermont, and in 1890 he was elected Commander-in-Chief of the Grand Army of the Republic. He received the honorary degree of LL.D. from Dartmouth College in 1887. Judge Veazey died at Washington, D. C., March 22, 1898.

He was an excellent lawyer, and presided with dignity, fairness, and ability. His opinions were carefully prepared and are clear, concise and forcible statements of the law. As a *nisi prius* Judge he was in general favor with the bar, his rulings and conduct of cases were sure to be on the side of good sense and justice, and his charges to the jury were careful and painstaking. As a public speaker he had more gifts than most men, as I well know from hearing his beautiful tribute to General Grant made in a Memorial Day address at Newfane, soon after the latter had passed from among the living.

Personally Judge Veazey was a companionable and interesting man. He had a gift of humor, a fund of anecdotes, and kindness of disposition that attracted men to him. His playfulness is well illustrated in a letter which he sent after he had examined the last opinion submitted to him for approval from one of the Judges of the Supreme Court. It was in the case of State v. Augustine Freeman, 63 Vt., page 496, for profanely swearing at a woman. It reads: "Your letter weighed

down with an opinion, which I approve before reading, lest I could not conscientiously afterwards, was a welcome visitor. It brought to mind the court as it was, and the fact of the rapid changes since we began playing judge. * * * After reading your opinion, I shall never 'profanely swear'. I think it is dangerous, especially to a woman. Augustine well knows more if he doesn't look so well. Had you not better remit his fine and submit a reading of your opinion? The only criticism I could pass upon it would be, that there is too much learning for so small a 'swear', but Augustine ought to be grateful because he thereby becomes immortal."

RUSSELL S. TAFT

1835-1902

Russell S. Taft was born in Williston, January 28, 1835, and died at Burlington, March 22, 1902. He was twice married and had one son, Russell W. Taft, a lawyer who practiced in Burlington and outlived his father but a few years. Judge Taft traced his ancestry through many generations and on his father's side through the same line from which President Taft came. On his mother's side he had the same ancestors as Judge Dudley Chase of the Vermont Supreme Court and Salmon P. Chase, Chief Justice of the United States Supreme Court. He was also remotely related to President John Adams. Judge Taft through his father inherited the blood of twenty-three known families, and on both sides traced his descent from forty-six allied families. His father was Elijah Taft, who was born in Arlington, moved to Williston and later to South Burlington, where he died in 1881. His mother was Orinda Kimball. Judge Taft was the seventh of ten children. He resided in Williston until 1853, when he removed to Burlington, where he afterward remained except for a few years when he lived on his farm in Williston. He attended the district school in Williston until 1851, when he was licensed to teach in that town. The next year he was licensed to teach in Richmond, and the following year again in Williston. He taught one term at least in his own district. Here he would not engage unless it was agreed that his youngest brother, Hiram, should not attend, because he was so "full of Cain." His mother was for having Hiram go, but his father settled the matter in his favor by saying that he would not teach school himself "where that little cuss attends." In 1854 he attended the seminary at Newbury. He apparently studied law while he was teaching and attending the seminary, for he was enrolled in 1853 as a student in the office of George F. Bailey, at Burlington, an attorney who left Burlington and became prominent in Chicago. From Mr. Bailey's

office he entered the office of George F. Edmunds and later that of Judge Torrey E. Wales, from which he was admitted to the bar in Chittenden county, November 12, 1856. He formed a partnership with Judge Wales soon after his admission which lasted until 1878, when it was dissolved by mutual consent. He was State's Attorney of the county from 1862 to 1865; County Senator from 1865 to 1866; Lieutenant-Governor from 1872 to 1874; member of the General Assembly from Burlington in 1880, and elected at that time in place of Judge Barrett a Judge of the Supreme Court. He remained an Associate Judge until January 19, 1899, when he became Chief Judge, which he held until his death. The University of Vermont conferred on him the honorary degree of Master of Arts in 1877, and of Doctor of Laws in 1899.

Judge Taft owed his elevation to the bench more to his striking appearance, imposing presence, agreeable manner, commanding intellect, and political leadership than to his lawyership. Had the selection of our Judges been governed by the rule which obtains in Great Britain where the Lord Chancellor names the appointees to the bench, he would not have been chosen as the successor to Judge Barrett. His election was a great shock to Judge Barrett who regarded him as an inferior lawyer. But other men who have been elected to the bench because they happened to be in the Legislature at the time have usually proven to be good Judges. It was so in the case of Judge Taft.

The firm of Wales and Taft did a considerable business, but not one that took them into the courts extensively. It was an office practice mainly, and the services of Judge Taft were required in work of this nature rather than in trying cases. At the same time he occasionally appeared in court, and he did this in connection with some important criminal cases, one of which he tried by assignment before he was State's Attorney, and others while he held that office. These cases he tried well and successfully. But he had the solid qualities rather than the alert ones which are adapted to the successful presentation of questions to the jury. He was better as a politician than a trial lawyer and here his mastery consisted in his capacity for organization, his warm personal friendships and his commanding personality. As a presiding officer he presented an imposing appearance and dispatched public business with dignity and ability. This quality in his make-up was a great help when he assumed the duties of a Judge. I saw him preside in the first important case he tried after coming to the bench. It was at the March term in Windham county in 1881, and the case was that of Whitney v. The First National Bank of Brattleboro, reported in 55 Vt., 154. The settings of the case could not have been more embarrassing for the new Judge nor more interesting to the spectators in the court room. Judge Barrett, whom Judge Taft had deposed from the bench, was of counsel for the plaintiff and appeared with Mr. Daven-

port, the leader of the local bar. He had been called into the case, I assume, not so much because he was known to be a great lawyer as that he was supposed to have a strong hold on the people of Windham county, where he had held court for twenty years. It must have been a trying moment for the new Judge when he saw the old one take his place in the bar and array himself for the fray, and every one who looked on knew that Judge Barrett, whatever were his temperamental faults, understood the law in all its intricacies and ramifications more thoroughly than almost any man who had sat on the bench in Vermont. To a culture that was exceptional had been added the ripeness that came from long practice at the bar and twenty years upon the bench. But this was not the only feature to make the task of the new Judge a hard one. On the other side sat Mr. Phelps, the accomplished leader of the bar, who, if he could have had the choosing, would not have named Judge Taft as Judge Barrett's successor. And to add to the Judge's discomfort was the subject matter of the controversy, that of bailment growing out of the theft of some government bonds while they were in the possession of the defendant. For four hours Mr. Phelps argued the law points on his side in a manner so fluent, graceful and dignified that I saw him grow from a very homely man in the beginning into a very handsome man at the close. I was not as much impressed with his power as with that of Mr. Davenport, who answered him, but his manner in speech, gesture and pose have abided as my pleasantest memories of the court room. When I went home from court that day I told my parents I was going to study law, and sixteen years later I argued the Hodgson case against Mr. Phelps in the United States Supreme Court. Mr. Davenport spoke for two hours or more, and Judge Barrett made a shorter argument than either of the others. It was during this time that Judge Barrett forgot for a moment that he was not sitting in judgment, clothed in judicial armor, and let fly at Mr. Phelps an invective of correction and reproof such as he had been accustomed to deliver from the bench with harmless consequences to himself, to find himself suddenly impaled on the shining lance of his adversary. "You must remember, Judge Barrett," said Mr. Phelps, "that you are no longer sitting in judgment, but are now practicing your profession with your fellow members of the bar, *among whom there is still recognized such a thing as courtesy.*" Throughout the trial Judge Taft carried himself with dignity, nor did he seem disturbed at any turn in the case. He read his charge in heavy, solemn tones that neither rose nor fell in volume or pitch and made upon his boy listener a rather profound impression. But he did not make as good an impression with the Supreme Court when the case came up for review, for it was reversed on several grounds.

Judge Taft wrote many good opinions. The most celebrated is that in The Bankers' Life Insurance Company of New York v. Howland and Bacon, 73 Vt., 1. His experience while in practice with insurance matters made him the oracle of the court on such subjects, and enabled him to deal with the questions involved in a masterly way. This is the leading case in this country, and the rule laid down therein is very generally followed. The case of Dunklee v. Goodenough, 65 Vt., 257, is one in which he delivered the opinion in a case on special pleading. It is one of the most interesting opinions in our reports on that subject.

Judge Taft had the capacity to acquire facts with extreme readiness and his memory was remarkable. He did not follow the rules of logic, but reached results by processes quite peculiar to himself that were very direct. He was not inclined to state his reasons for his judgment, and believed that the court's word for the law was enough. He liked to expedite his cases, but was content if counsel were employing their time profitably in making settlements. He would sometimes say at the end of a day when several cases had been settled: "We have tried — cases to-day" (naming those that had been settled).

Judge Taft spent a good deal of time compiling a Taft genealogy, and he wrote several articles that were read at the meetings of the Vermont Bar Association. About 1890 he commenced gathering data for the Bench and Bar of Vermont. He solicited from each attorney of the State personal memoranda for a short sketch. These were grouped in counties and were practically complete but were not published. They were the property of Chauncey W. Brownell, who kindly tendered them to me for such use as I might make of them in this work. They are now in the State Library at Montpelier. Judge Taft published in the Green Bag in 1894 a History of the Supreme Court of Vermont. This contains a sketch of each Judge who had served during the period from 1778 down to the date of the publication, and much valuable data about the courts and changes in the judicial system of the State. This is a work of great service in preserving the early Judges and courts, and I acknowledge my obligation to Judge Taft for the benefit his article has been to me in sketching again the early Judges. Whatever I deemed of particular interest in these articles I have made use of in this work.

The most marvelous gift in Judge Taft was his memory. It proceeded by no fixed rules nor general principles but attached whereso-ever it would upon facts and figures that attracted his attention. He would remember your birthday and would tell you on its arrival, if he happened to be in your company, how old you were, when perhaps you would be quite unaware that your birthday had arrived. He had a good verbal memory too. Once a learned young lawyer in northern Ver-

mont was attempting to recite in the hearing of the Judge the "Bells of Shandon." He went as far as his memory carried him and stopped, whereupon to his surprise Judge Taft took up the poem where he had left off and recited it to the end.

He was hindered rather than helped by precedents, unless they were of Vermont origin or hoary with antiquity. The precedents of other States were not authority here, he said, and were like Swiss troops fighting on both sides. The English cases and those that appeared in text books and had stood the ravages of time were treated with favor.

Judge Taft was a true friend and was popular with the bar. He was kind to the young attorneys, and I would place a forget-me-not flower of appreciation on his grave for the kind words that fell from his lips upon me in the early days of my practice. His associates admired and loved him for his big heart, his trustful companionship, his wit and humor, his good sense and practical wisdom. He administered the law in its integrity, was one of the best of our Judges and died esteemed by our people.

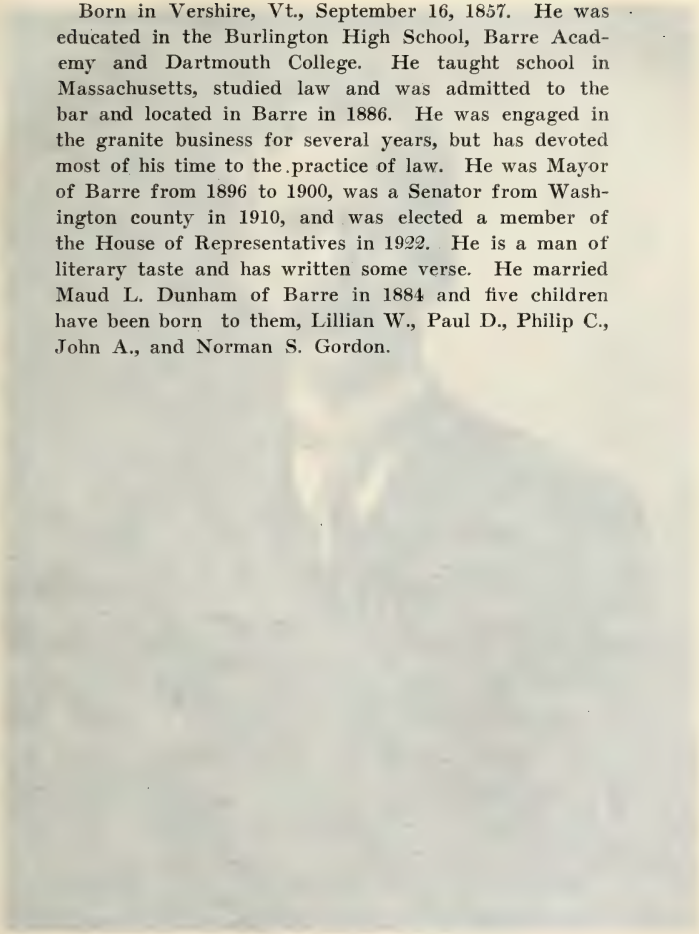
The final rites over his body did not take place in a church but in the County Court House in Burlington, where he had spent much time in the performance of the duties of his office, and where he hung his portrait while he was yet among the living. Here one of his associates pronounced a eulogy and another read a poem in the presence of the bar and friends who had met to pay the last token of respect to their friend. Resolutions of love and esteem were passed by many of the county bars of the State, and the people generally exhibited a deep sense of loss.

JOHN W. ROWELL

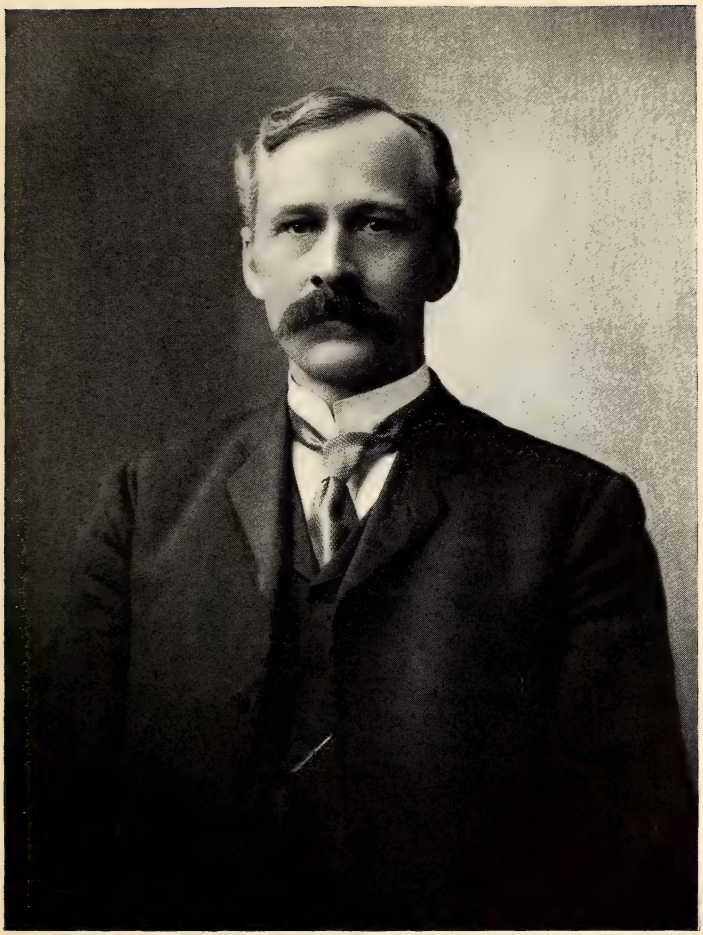
1835-

John W. Rowell was the first Chief Justice of Vermont, and he was longer on the Supreme bench by years than any other man in the history of the State. He was born at Lebanon, N. H., June 9, 1835. His early education was in the common schools and at the West Randolph Academy, where he was thoroughly prepared for admission to college a year in advance of his course, but circumstances conspired to prevent his graduation. He began the study of law at Randolph in 1856, in the office of Jefferson P. Kidder, who was Lieutenant-Governor of Vermont, afterward one of the Judges of the Supreme Court of Dakota, and a delegate to Congress from that Territory. From 1857 to the winter of 1858 he studied in the office of Judge Edmond Weston, also of Randolph, and attended a course of lectures

JOHN W. GORDON



Born in Vershire, Vt., September 16, 1857. He was educated in the Burlington High School, Barre Academy and Dartmouth College. He taught school in Massachusetts, studied law and was admitted to the bar and located in Barre in 1886. He was engaged in the granite business for several years, but has devoted most of his time to the practice of law. He was Mayor of Barre from 1896 to 1900, was a Senator from Washington county in 1910, and was elected a member of the House of Representatives in 1922. He is a man of literary taste and has written some verse. He married Maud L. Dunham of Barre in 1884 and five children have been born to them, Lillian W., Paul D., Philip C., John A., and Norman S. Gordon.



John W. Gordon

at the law college established by Judge Hayden and other gentlemen at Poland, Ohio. He was admitted to the bar in Orange county at the June term, 1858, and at once associated himself in practice with Judge John B. Hutchinson at Randolph. This relation existed until the latter part of 1859, when Judge Hutchinson accepted the office of cashier of the Northfield Bank, a place which he held until 1861, when he returned to Randolph and again entered into partnership with Judge Rowell and so continued until 1866, when ill health compelled him to retire from the firm. Judge Rowell removed to Chicago in 1870 and formed a business connection in the practice of law with John Hutchinson, formerly U. S. Consul at Nice, but in September, 1871, returned to Randolph and resumed practice, and has ever since resided there. He represented Randolph in the General Assembly in 1861 and 1862, and with one exception was the youngest member in that body. In 1862 and 1863 he was State's Attorney; in 1872 he was appointed Reporter of the decisions of the Supreme Court and continued to serve as such for eight years; he represented Orange county in the Senate in 1874, and on January 11, 1882, was appointed by Governor Farnham a Judge of the Supreme Court to fill the vacancy on the bench caused by the death of Chief Judge Pierpoint and the promotions that were incident thereto. He was continued on the bench without interruption from 1882 until his voluntary retirement, September 30, 1913, covering a period of thirty-one years, eight months and nineteen days, and being the longest service in the history of the State. Following the death of Chief Judge Taft, March 22, 1902, he became Chief Judge by reason of the promotions then made and remained at the head of the court from that time until he resigned in 1913, a period of over eleven years. By force of the Constitutional amendment adopted in 1912, Chief Judge Rowell became the first Chief Justice of Vermont.

The length of Justice Rowell's service was not its only distinguishing feature. He came to the bench fully qualified in every way for the discharge of its duties. He had had an extensive practice and enjoyed a position of leadership at the bar. His legal scholarship was acute, profound, and extensive, and his grasp of affairs as exceptional as his learning. He combined in the scholarly and wise lawyer the elements of an able business man, an important attribute of a good lawyer and a good Judge. Thus equipped by learning, training, and nature he entered upon his long term of service. Whenever he presented himself as the presiding Judge of the County Courts it was understood that a business session was at hand and that business methods would be employed on the part of the court and expected on the part of the bar. This meant the orderly bringing on of trials and their reasonable dispatch thereafter. It meant a court room dedicated to the purpose of justice where order and decorum were observed and respect paid to the

Judges; where the officers preserved discipline with firmness and dignity; where the men of the jury attended punctually and answered promptly when called for service; where witnesses were expected to be on hand when called and to behave with decorum when under examination; and where counsel were relied on to have their cases prepared and to present them fairly and courteously, as the officers of the court, and where the court reporter was expected to keep "a black and white photograph" of everything that occurred in the court room. This was the high standard which Justice Rowell had before him as the magistrate and which he followed as a trial Judge. But this was only a part of his excellence in that position. His lawyership was always apparent in each day's business. It became impressed on all who heard his rare discrimination, fullness of learning and clearness of statement in his preliminary charges to the grand and petit jurors, and it was apparent whenever anything was being done in court, whether he was passing on a question of evidence, charging the jury, ruling upon questions of pleading, or hearing questions of fact and making his findings. Then when all was over counsel would find that the Judge had prepared and signed the bills of exceptions in the cases to go to the Supreme Court, and there was no lingering aftermath to the term.

His opinions, written for the Supreme Court, if they could be detached from the others and published by themselves, would furnish a body of law that would merit the attention of the legal student and practitioner from many standpoints. Some of our best lawyers think that these opinions are not surpassed by the work of any other Judge in New England during the same time, if they are equalled. To the rare and comprehensive learning which they embody is combined a style so simple, clear and captivating that it is a pleasure to follow them. The deep places in the law are sounded, the obscure recesses explored, and the difficult obstructions that cases present overcome; and the path is everywhere blazed with so many delightful landmarks that the pursuit of the case and its principles is afterwards a pleasure.

Judge Rowell is an eloquent man and a graceful and fluent speaker. He is able to form a telling phrase that will attract and hold the attention and while on the bench delivered some charges that were dramatic in their effect on the jury and listeners. Such was his charge in the case of State v. Flint, where he discussed the influence on the respondent of his interest in the case and referred to his imprisonment, if it came, as a "mountain of curses," and his freedom, if it was given, as a "mountain of blessings."

Those who have not had occasion to know Justice Rowell at his home either in a personal way or in connection with the courts do not appreciate the warmth of his personality and the fullness of his friendship. He is president of the national bank and daily considers its more

important matters; he still maintains his library and gives legal opinions to those who come to him for the law. He received the honorary degree of LL. D. from the University of Vermont in 1893, and the same degree from Middlebury in 1913. He could do literary work of a high order, as is apparent from his Constitutional History of Vermont and the articles and addresses he has contributed to the Vermont Bar Association. Some one, sometime, doing the work I am now doing, after a more careful survey from a wider angle, will declare that Justice Rowell was the greatest of all Vermont jurists, and it will be the truth.

WILLIAM H. WALKER

1833-1896

William H. Walker was born in Windham, February 2, 1833. He received his primary education in the common schools of Londonderry, where his parents removed in 1838, and was fitted for college at Leland and Gray Seminary at Townshend and at Black River Academy at Ludlow. He entered Middlebury College, and graduated in the class of 1858. While pursuing his studies, he was Secretary of the Vermont Senate in 1857. In order to secure the necessary funds with which to complete his college course, he was allowed to teach during this period and he taught a part of the time in a grammar school in Orleans, Mass., and one term as principal of the West River Seminary at South Londonderry. Soon after graduation he was appointed principal of the academy at Little Falls, N. Y., where he remained for two years, during which time he entered his name as a student in the law office of Arphaxed Loomis. In 1860 he resigned his position as principal and removed to Ludlow, where he finished his legal studies with Frederick C. Robbins, and was admitted to the bar in Windsor county at the December term in 1861. He immediately opened an office in Ludlow, where he remained in practice until his election to the bench in 1884.

In 1865 and 1866, and again in 1884, he was a member of the Legislature, and was chairman of the Judiciary Committee at the latter session. In 1867 and 1868 he was one of the Senators from Windsor county. He served as State's Attorney for Windsor county for two years. This was from 1874 to 1876. In 1878 he was appointed a commissioner to make an examination of the insane asylum, and was Supervisor of the Insane for two years, ending December, 1880. He was Judge of Probate from 1878 to 1884, when his term began as a Judge of the Supreme Court. He continued on the bench until 1887, when he was obliged to resign on account of impaired health.

He was one of the trustees of Middlebury College, and was president of Black River Academy. In 1862 he was elected Captain in the

Sixteenth Regiment, Vt. Vols., but was obliged to resign on account of an attack of typhoid fever. He died at Ludlow, August 11, 1896. He was an excellent Judge in both the County and Supreme Courts and gave promise of great usefulness on the bench.

JAMES M. TYLER

1835-

No Judge in the history of the State ever held the courts and gave more delight to the bar and to those interested in the courts than Judge Tyler. In him the elements of the lawyer and the gentleman are happily blended. He began his term of service in 1887, and ended it, by voluntary retirement, in 1908, a period of twenty-one years.

James M. Tyler was born in Wilmington, April 27, 1835, the son of Ephraim and Mary (Bissell) Tyler. He was educated in the common schools of Guilford and at Brattleboro Academy. He studied law two years before entering the Albany Law School where he graduated in June, 1860. He was admitted to the bar at the September term of the Windham County Court that year, at once formed a partnership with Gen. Stephen P. Flagg of Wilmington, and lived and practiced law in that town for the next four years, representing the town in the Legislature in 1863, 1864, and in the special session of 1865. In December, 1864, he closed his partnership with General Flagg and moved to Brattleboro, becoming a partner of Charles K. Field, which relation continued until Mr. Field's death, in 1880. Judge Tyler was State's Attorney for Windham county in 1867 and 1868; member of the Forty-sixth and Forty-seventh Congresses, but declined to be considered a candidate for another term, preferring to return to his profession. His term of office began in 1879 and ended in 1883. In July, 1887, he was appointed by Governor Ormsbee a member of the commission to revise the school laws of the State, but in September following resigned that place to accept from the Governor the appointment of Judge of the Supreme Court to fill the vacancy caused by the resignation of Judge William H. Walker of Ludlow, which position he held by successive elections by the Legislature until December, 1908, when he declined another election. In July, 1904, he received the degree of LL.D. from the University of Vermont. He was first married in 1861 to Ellen E. Richardson of Brattleboro, who died in 1871; in 1875 he married Jane P. Miles of the same place, who died in 1919. In 1911 Judge Tyler was president of the Vermont Bar Association.

In 1909 Judge and Mrs. Tyler visited England and while there they attended the courts. He wrote from England a very interesting

letter, describing the English Courts, which was later read at the meeting of the Vermont Bar Association and published in its proceedings. It is as follows:

"I hoped to have seen the rooms in Brick Court where Blackstone lived and where he wrote his commentaries. Oliver Goldsmith's rooms in which he lived and died were right over them; but, alas, when I was there the building was being torn down, and I was only shown the locality. This court leads out of Middle Temple Lane. Dear Goldsmith is buried near by beside the old parish church which he attended. The old church, called the Temple Church, St. Mary's and the Round Church, built by the Normans in the Twelfth century, but restored in 1842, has a remarkable history, and the ancient architecture, which is beautiful, is preserved. Under the dome or round part are nine figures of Templars in full armor. Near by are the Middle and Inner Temples with immense libraries connected. The Middle Temple was built in 1575 and is famous from the fact that Shakespeare read one of his plays here, standing upon a place that is still pointed out, and it is said that he read it to Queen Elizabeth. It is certain that she once dined in this hall, and tradition has it that she signed the death warrant of Mary, Queen of Scots, on the same table.

"The Inner Temple is modern. What pleased me most in it were life-sized portraits of Coke and Littleton placed on the respective sides of the main entrance. This group of buildings and the Rolls of Courts, the buildings occupied by lawyers, and the 'Fields' that belong with them, are just south of noisy Fleet Street, reached by lanes, and extend down to the bank of the Thames. On the other side of Fleet Street are Lincoln's Inn and Lincoln's Inn Fields.

"In this immediate locality we saw the windows of Doctor Johnson's sitting-room and bed-room. Just across on Holborn Street, I think it is, is 'Old Cheshire Cheese Tavern,' where Dr. Johnson used to lunch. The building is small and odd, but is preserved immaculate. The chair was shown us where Dr. Johnson sat at table and a little room which contains his arm chair and a copy of the first edition of his Dictionary. We took our lunch in the Tavern and found the table, benches, and table utensils of the plainest kind; but we got excellent chops and we were told that fine old ale was on draught. The famous Chancery Lane, Gray's Inn and other lanes and inns of court, are around in this vicinity.

"The Law Courts, or 'Courts of Justice,' as a large street sign says, are in an immense building, five hundred feet long on the Strand, but nearly opposite the Middle and Inner Temples. The Strand and Fleet Street come together just opposite the Temples, but are one continuous street.

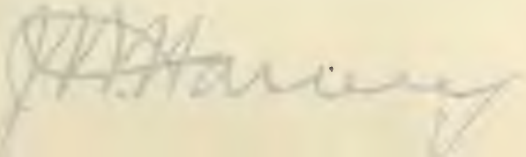
"Last Tuesday was the opening of Michaelmas term, and, according to custom, the Judges of the higher courts, about thirty in number, met at Westminster Abbey and attended divine service, at eleven a. m., after which they proceeded to the House of Lords where the Lord Chancellor gave them a reception and they lunched in the Commons Café. They were then taken in carriages, with their robes on, to the Law Courts. There were great crowds in the streets through which they passed, and the great hall, which they entered through which they had to pass to reach the stairway for their court-rooms and chambers, was packed with hundreds of people to witness the grand display. First came two spindle-legged fellows called tipstaffs, in tights, frock coats and silk hats; next the Mace Bearer, followed closely by the Lord Chancellor in a heavy black robe trimmed with gold lace and ermine.

"Two officers followed him holding up his robe, which would have swept the floor ten or twelve feet. Then came the Lord Chief Justice in a rich robe of brilliant colors and followed in like manner; next, the Master of the Rolls, followed in like manner, then the Lords Judges in scarlet robes with no trains, and finally came an army of eminent lawyers, called the King's Counsel, in plain black robes. I need not mention that all wore wigs. In referring to my notes, I find I have omitted the Attorney General and Solicitor General who walked side by side, next after the Master of the Rolls; also, next after the train bearers walked two fine looking gentlemen in silk hats and frock coats, who, we were informed, were respectively private secretaries and ushers to, in the Courts of Lord Chancellor, the Chief Justice and Master of the Rolls.

"I have thus written, perhaps at too great length, about the courts and the grand pageant which we were with some difficulty permitted to witness. This was really a 'dress parade,' for the Judges *sit* in plain robes. Yesterday was a strenuous one. We went to the Law Courts and 'did' them, before one p. m. First, we went to the Court of the Lord Chief Justice, where he was hearing motions. He with associates was hearing a motion about an alleged false imprisonment. We stayed and heard several motions argued, but he sat alone after the first one. At one time the 'next case' was not quite ready, and the Chief Justice not being occupied, I ventured to ask an official if it would be possible for me to have the honor of just speaking to him, and handed him my card, saying I had once been a Judge of the Supreme Court of Vermont for more than twenty years. He turned and whispered to the Chief Justice who turned toward me and motioned me up the stairs to his side, gave me his hand most cordially, bade me sit down and immediately asked me if I had known ex-Minister Phelps. He said he was one of the dearest friends he ever had, and spoke of his visit to America and to Mr. Phelps. Too soon the next

JOHN N. HARVEY

Born in West Topsham, Vt., August 23, 1879. He was educated at Montpelier Seminary and the University of Vermont, studied law and was admitted to the bar in 1904. He practiced law at Montpelier, 1904-08; at Montreal, 1908-15; and at Barre, 1915-17. Since 1917 he has practiced law at Brattleboro and is a member of the firm of Harvey, Maurice and Fitts. He assisted in the revision of the Vermont Statutes in 1904-06 and 1915-17; assisted in editing the Statutes in 1906 and was Executive Clerk during the administration of Governors Prouty and Graham.



J. H. Harvey

case was ready and I arose to leave when he asked me to remain, which I declined, as my ladies were waiting to see the other courts. He offered to send his secretary with us, which I said was unnecessary as we must go slowly, and I knew the way. I mention this, my dear Judge, because it was a compliment to the Supreme Court of Vermont, and in no sense made to me, personally.

"We went into the Court of the Lord Chancellor, where he rarely sits in person; the Master of the Rolls' Court and two or three other chancery divisions, and four or five King's Bench Courts, where cases were being tried by the Judges, 'non-jury,' and where cases were being tried by juries. There are nineteen courts in that building and we visited nine or ten of them.

"The Chief Justice is a man of large frame, with a head larger than our late Chief Justice Taft; a broad, full forehead and every motion indicative of great mental strength and quickness. He is very pleasant in voice and manner in discussing questions with counsel, but he has a lion-like expression that is notice that it would not be well to cross him. One thing impressed me very much: when he was hearing a case he was completely absorbed in it. He was oblivious to everybody and everything but the case. One could see by the look in his massive face, how intense was his thought, and that though he at first sight seemed heavy, it was evident that his mental operations were very rapid.

"The Master of the Rolls, Lord Justice Moulton and Mr. Justice Joyce, who sat in the Lord Chancellor's Court, were both fine looking men. The trial Judges looked well, but not remarkably so.

"In the evening Mrs. Tyler and I saw the House of Lords in session, and later I visited the House of Commons, a place forbidden to women; we got seats through the courtesy of Ambassador Reid. It was a time of intense excitement in Parliament over the tax bills—the 'budget.' There are Socialists and Anarchists in the Commons, and an ugly time there last night was avoided only by the skilful management of the Speaker.

"I cannot tell you about Westminster Abbey, the historic Tower of London, the National Gallery, and the National Portrait Gallery, Hyde Park, and the Albert Memorial therein, nor the other places of interest. We went into the country and in that tour of a week, visited the birthplace of Shakespeare and the place in front of the high altar in the beautiful parish church where he and his family lie buried.

"We make frequent excursions to see interesting places and the fine English country. Our time will be out too soon, for on November 2nd we sail for Boston.

"I hope this letter will not weary your patience too much. Please give my kindest regards to the Judges, and I will close and remain,

"Sincerely yours,

"J. M. TYLER."

The service which Judge Tyler rendered on the bench was a highly creditable one in both the County and Supreme Courts. Before coming to the bar he had practiced extensively in the courts, and had been accustomed to the discharge of important business outside. At Washington he had met many of the great men of the nation, and had been broadened by his contact with national affairs. His training had been thorough in the principles of the law, and he was regarded as a sound, able lawyer. His mind was logical and absolutely honest. He was effective, too, as a disputant, and would state his case in such a manner that the jury would believe him. In a bar which was made up of strong men, he was the favorite among those who wanted to make sure they were to have advice that was reliable. Knowing that I was to study law my friends urged me to go into his office as a student, if I could, and I shall not forget the gratitude I felt when he told me I could have the legal crumbs that fell from his office table; but he was called to the bench after I had been with him for only a month, and so I lost him in one relation in life to find him in another. He was most kind to all young attorneys, thoughtful of their welfare and anxious for their success. And with the older ones he was in favor at all times and under all circumstances as a Judge. He was a good lawyer, and took care of all legal questions carefully and wisely, and a good magistrate, who conducted the courts with discipline, and there was so much of gentleness and sweetness in his nature and so much of the disposition to do good that work in his court was a pleasure and not a burden.

His opinions in the Supreme Court will bear comparison with those of his associates. Some of them are leading authorities and attracted considerable attention at the time they were promulgated. They show careful preparation and clear and positive statement.

Judge Tyler loves the law and regards the profession as a high and noble calling. He delighted in the practice and used to discuss its pleasures. He believed in the great principles that underlie the government of men and have their root in the common law, and he liked to practice the law and to administer it for the law's sake. He enjoyed the discharge of his duties as Judge because he believed in doing good and in his office found the means to do it. It goes without saying that such a man would stand the highest test as a lawyer, Judge and citizen. Such is the case with Judge Tyler.

In his eighty-seventh year he holds several important positions of trust. He is the president of the Vermont National Bank, one of the strongest national banks in Vermont, is the leading trustee in the

Vermont Asylum for the Insane, is president of the Home for the Aged and Disabled, and has important private trusts that he cares for. He is still active in the discharge of his many duties and his kindly welcome to the men of the bar makes his house a mecca to those of the profession who visit Brattleboro.

LOVELAND MUNSON

1843-1921

Loveland Munson was born at Manchester, July 21, 1843, and died at the same place and in the house where he was born, March 25, 1921. It was in entire harmony with his life that he should have always lived and should have died in the same house, for he was a conservative in all things and not one to go afield from the environment that pleased his childhood fancy and delighted his maturer years. Justice Munson was conspicuously a commoner and so intense was his regard for the common and accustomed things and so averse to new things that he opposed wearing a robe while on the bench, and the innovation in this regard was delayed because of his prejudice against this form of dress, and not until after his retirement were the robes adopted by the Supreme Court.

He was descended on his father's side from Capt. Thomas Munson, a founder of the Hartford and New Haven colonies, and on his mother's side from the Lovelands and Woolcots, all from Connecticut. His father was Cyrus Munson, a substantial citizen, respected for his integrity and public spirit, who died in middle life, when Justice Munson was fourteen years old. Justice Munson attended the local public schools and Burr and Burton Seminary, where he graduated in 1862, and that year began the study of the law in the office of Elias B. Burton at Manchester. He was admitted to the bar in 1866, and formed a partnership with his tutor. He was chairman of the Republican county committee and later of the district committee; editor of the *Manchester Journal* from 1863 to 1866; Town Clerk of Manchester from 1866 to 1873; Register of Probate of the District of Manchester from 1866 to 1876, and member of the Constitutional Convention in 1870. He represented Manchester in the General Assembly in 1872, serving on the Judiciary and Railroad Committees and special joint committee to investigate the Central Vermont Railway Company. This committee met after the session had adjourned and made its report to the Governor. He represented his town again in 1874, this time serving as chairman of the Judiciary Committee. He was a candidate for Speaker against Judge H. Henry Powers but was defeated. Four years later he was a Senator from Bennington county and in 1882 again a member of the House and an unsuccessful

candidate for Speaker, this time against Judge James L. Martin. In 1883 he was appointed Judge of Probate for the district of Manchester and served as such until his selection by Governor Dillingham as a Judge of the Supreme Court to succeed Judge Veazey. In 1887 he was appointed by Governor Ormsbee chairman of a committee to revise and re-draft the school laws and incorporate new features to improve the schools, and to present the same in the form of a bill for legislative action. Such a bill was drafted and with few changes became a law in 1888. The appointment as a Judge of the Supreme Court came in September, 1889, and from that time until December 1, 1914, he remained constantly on the bench, having been repeatedly re-elected by the Legislatures. Governor Fletcher did not appoint Justice Munson December 1, 1914, and he remained off the bench until the election by the Legislature in January following. He was then elected without contest Chief Justice for the term from February 1, 1915, to February 1, 1917, a position to which he was entitled by the usual rules of succession on the resignation of Chief Justice Rowell the year before. He would have been retained in this office as long as his strength and faculties had been equal to its tasks had he so desired but he forestalled any such result by writing and laying away in a drawer a memorandum of his purpose to retire at the end of his term, and when it was over, in 1917, he carried his purpose into effect and did not seek a re-election. He explained his course by saying that he had given the State the best years of his life and would not give her any of the dregs.

As a public man, Justice Munson represented the ideal citizen. He loved the State and his town, was familiar with the history of both and knew the lives of the great men who were the founders and builders of our beloved commonwealth. In 1876 he prepared and delivered an address on "The Early History of Manchester," which represented an enormous amount of work in search for information and truth and is a monument to his patience and accuracy. It will always remain the basis of any future history to be written of Manchester. His mind naturally turned to matters of early Vermont history. His maiden speech in the House was in behalf of a resolution to provide a memorial for the unmarked grave of Nathaniel Chipman, soldier, statesman and jurist, at Tinmouth. A similar measure had met with scant attention at an earlier time, but Justice Munson's logic and fervor carried the resolution and the monument was erected. It was like Justice Munson to hold long to his purpose to visit the grave of Judge Chipman, but the cares of his life were too exacting to enable him to do so and it was not until 1920 that the trip was made. This was on July 21, 1920, and the journey was made in an automobile, a means of conveyance that he had refused until the last year of his life. It was on the seventy-

seventh birthday of Justice Munson that the monument was visited, and when he had seen the same he turned to the members of the party and read the speech he had made in 1872. He said it was a better speech than he thought he had made, that he was glad he had visited the monument which his words had helped to build, and that the day had been one of the happiest in his life.

In a local sense he was always the leading citizen. He gave freely of his time, strength and ability to Burr and Burton Seminary, to the Mark Skinner Library, and to Dellwood Cemetery. He was elected a trustee of the seminary in 1873, was made a member of the prudential committee in 1875, and became president of the board in 1908. Since 1919, when he relinquished the presidency, he had been president emeritus, and he continued as a trustee until his death. He took an active interest in every movement for the advancement of the local institution of learning up to the time of his death, and his interest in the Mark Skinner Library and in the Dellwood Cemetery Association were not less marked.

Justice Munson was married May 4, 1882, to May Burton, a remote relative, who survives him. They had no children.

As a Judge it can be truthfully said of Justice Munson that never a safer man sat in the Supreme Court. He had but one concern, and that was to deal justly with every interest that was committed to his care. His purpose to do exact justice was proverbial. It was not as easy for him to decide cases as it is for some, nor was he as sure as some others that he had decided correctly. This was due to his intense desire to be right. His opinions are models of clearness and strength, for when he had arrived at a decision he stated his position in language that was appropriate and readily understood and his opinions rank among the best of our highest court.

As a County Court Judge he was noted for the dispatch of business. He kept the attorneys busy with their cases and made progress with the docket. He was not afraid of hard work and would hold court late into the night if the condition of his calendar required. He had a strong, clear voice and made free use of it while acting the part of the magistrate. His rulings were firm and his charges painstaking.

Justice Munson was one of the best products of his State. He was an ideal citizen, a good lawyer, a just Judge, but above all he possessed an exalted character that almost distinguished him above the good men with whom his useful life was most associated.

HENRY R. START

1845-1905

Two of the best lawyers in Vermont have told me within a year that Judge Start was the best trial Judge Vermont ever had. He was born at Bakersfield, the son of Simeon Gould and Mary Sophia (Barnes) Start, December 28, 1845. He was educated in the common schools and in Bakersfield and Barre Academies, and enlisted in the army in Co. A, 3rd Regt., Vt. Vols., but the Civil War was at an end before there was time for him to see active service. He studied law and was admitted to the bar in Franklin county at the April term, 1867, and began practice the same year in Bakersfield. From 1876 to 1878 he was State's Attorney of Franklin county. He formed a partnership with Albert P. Cross of St. Albans, but retained his residence at Bakersfield. The firm of Cross and Start had a large practice. The work of preparation, examination of authorities, attention to office business fell largely to Mr. Cross. He was a lawyer of unusual keenness, learning and discrimination and stood very high in his profession as a wise counsellor and judge of law. After Judge Start was elected to the bench Mr. Cross was afflicted with paresis, but in a lucid-interval prepared an index of the acts of incorporation that had been passed up to that time by the Vermont Legislature. It is known as Cross' Index, and is of great service to the profession. Following the publication of this work there was a recurrence of his affliction, from which he subsequently died. Mr. Cross was a man of diminutive stature, and his personality was not adapted to the trial of cases. With such a partner the conduct of the trials fell largely to Judge Start, and when he appeared on the bench as a trial Judge it was at once manifest to the older members of the bar that he had had wide experience as a trial lawyer and knew how a case ought to be conducted in court.

In 1880, Judge Start was elected Senator from Franklin county, and among his other duties was that of chairman of the joint standing committee on the Reform School. This introduced him to the subject of the care of the unfortunate children who were committed to this institution, and for the next eight years he was one of the trustees of the school, a place in which he took a great interest and was of valuable service. In 1888 he was one of the presidential electors who cast the vote of Vermont for Harrison and Morton. In 1890 he was elected from Bakersfield as a member of the Legislature, and was chosen Speaker, a position which he filled with singular fairness and ability, and near the close of the session was elected a Judge of the Supreme Court to fill a vacancy on the bench caused by the refusal of Chief Judge Royce again to become a candidate for re-

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election. Judge Start continued in active service until shortly before his death, which occurred at Bakersfield, November 7, 1905.

Judge Start was one of the best of the Judges, and rendered service in both courts that commended him to the bar. As a *nisi prius* Judge, Judge Start was eminently successful. He had the perfect judicial poise. I recall trying a case for three weeks before him without getting the slightest indication of how he felt about its merits. He ruled wisely on questions that arose during the trial, and it seems to me now rather more formally than the present Judges are accustomed to do. He would state the question in tones that Mr. Wilds called "elocuting," present the two sides and announce his decision. He stood for what he thought was the truth of the case regardless of who the parties were. Once he came to my rescue with all his power of statement and argument in a criminal case where the respondent was a negro of proven bad character, because the Judge thought that the respondent could not have committed the crime as the State's witness had testified. Once in another trial that I was prosecuting as State's Attorney he directed me to return certain letters in my possession to the respondent, because he justly felt that I had no right to them as they were the property of the respondent. He grasped the precise point at issue always and directed his rulings to it in simple and plain language. Then he spoke in a voice that could be readily heard in all parts of the court room. This adds to the effectiveness of the work of the presiding officer and is of great assistance to counsel, reporter and jury.

He regarded his labors, whether he sat in the County or Supreme Court, as being a search after the truth, and when he had discovered this he felt that he would be committing a great wrong if by some precedent in some other State he was swerved from what he felt was the right. So he held with positiveness to his convictions on legal questions and decided questions according to the standards of his moral and intellectual honesty. He thought out his opinions in the Supreme Court and had a picture of them in his mind before he formulated them on paper. Then he wrote them out with directness and clearness. His leading characteristics as a lawyer and Judge were devotion to the law, mastery of its principles and clearness of thought and expression. And he endeared himself to his friends and associates by the simplicity of his nature, the kindness of his heart and his perfect integrity of character.

Judge Start had a strong hold upon the affections of those with whom he came in contact. This is illustrated by the large attendance of men, women and children at his burial, and by the presence of more than a hundred members of the bar who journeyed to Bakersfield in November to pay their last respects to his memory.

The tribute which was paid to Judge Start by a friend at the time of his death, but never published, ought to find a place here. It is this:

"The time has not yet come for a complete account of Judge Start's life or a deliberate and final estimate of his work as a lawyer and judge, but it is a fitting moment for the heart to speak and pay its tribute to him as a man—and he was all man. There was nothing in him that was not worthy of a man. There was nothing that aspired or pretended to anything more than that. There is nothing that goes to make up a noble man that he did not possess. If there is one adjective that describes him more perfectly than any other, it was 'magnanimous.' He was great of soul. There was nothing petty in his composition. He could not do a mean or spiteful thing. He could not take a prejudicial or narrow view. He would never attribute base motives to another. His generosity knew no bounds. It is only those who had occasion to make great drafts upon his friendship who can ever guess how opulent his nature was. His good-will was so great that he might have said to all who needed his forgiveness or his kindness,

> 'My bounty is as boundless as the sea;
> My love as deep; the more I give to thee
> The more I have, for both are infinite.'

"No one in Vermont was better known; no one was better loved. It is inconceivable that he ever should have had an enemy in the world. But oh how many there are who will recall some act of kindness on his part, some quiet, considerate word that gave them courage, some patient hearing of their grievance, some gentle handling of their hard case, some generous interpretation of their doubtful doings, some merciful tempering of justice which they did not deserve, some striking proof that through the heart of the pure and righteous Judge there throbbed the quick warm currents of humanity. And there are some who found even more than this, because they needed more—who sounded depths of generosity undreamed of and who will always say, whoever else may win their praise or their allegiance, 'Take him for all in all, he was the noblest man I ever knew.'"

LAFORREST H. THOMPSON

1848-1900

Laforrest H. Thompson, who was first elected a Judge of the Supreme Court at the same session in which Judge Start was chosen, that of 1890, was born in a log cabin in Bakersfield, January 6, 1848.

His parents were Levi S. Thompson and Irene (Hodgkins) Thompson, and he was the oldest of a family of eight children. His father was of Scotch-Irish descent, and his grandfather on his father's side was an early settler in Belvidere, was twice its Representative in the Legislature and served in the War of 1812. Judge Thompson's mother was a woman of a proud, loving nature, and pleaded his cause when the stern will of his father opposed his aspirations. She died when Judge Thompson was eighteen years old. His father supported the family by farming, preaching and carrying on his trade as a stone mason. He was an eloquent man, who could draw a large congregation to listen to his sermons against the sins of the day, and was a skilful stone mason and industrious farmer, but was poor and both unable and unwilling to help his children to an education, for he believed if one had talent it would show itself without the aid of an education.

The family resided in Bakersfield until Judge Thompson was seven years old, when they removed to Belvidere, where they remained for a year. Then they moved to Potton, Quebec, where the Judge lived with the family for about eleven years. During the formative period of his life he had a great fondness for books and obtained a copy of Mrs. Stowe's "Uncle Tom's Cabin," which made a great impression on him and left him an ardent abolitionist. When about fifteen years old he attended a school taught by Ernest V. Maloney, an eloquent and enthusiastic Irishman, who discovered Thompson's love of books and advised him to obtain a liberal education. Without any encouragement from his father, he obtained money by trapping and bought books with which to attend school. He was unable to do much manual labor because of his frail health, but he promised his father that if he would let him go away to school it should cost him nothing. To this his father reluctantly assented, and in the winter of 1865-66 he entered the Lamoille County Grammar School at Johnson, where he met many men who were afterwards his friends through life. For the next two years he taught school, and in 1868 entered Kimball Union Academy at Meriden, N. H., as a student. By taking some private instruction here he became fitted for college, and when he got through he had arrangements made to teach one year and then enter Dartmouth. Accordingly he taught at Craftsbury Academy in the fall of 1868 and spring of 1869, but by fall of 1869 he found himself so worn out by the labors of the preceding year that he had to lay aside his plans for college. After giving up his college course he taught three terms at Craftsbury Academy, one term at East Craftsbury, and one at Irasburg; and during this time studied law in his leisure hours. He never studied in a lawyer's office, but got books from M. O. Heath of Johnson and Charles I. Vail at Irasburg. He was admitted to the bar of Orleans

county at the February term, 1871. When he was admitted he had been in County Court but twice and in a Justice Court not to exceed one hour. He at once entered into practice at Irasburg with Leonard S. Thompson, who had had little more experience than himself. The Judge had previously married, and when he opened his office he set up housekeeping at the same time. At the end of two years he bought out his partner and from that time practiced alone. In 1874 he was elected State's Attorney, and during his term convicted between seventy and eighty persons of offenses under the prohibitory law. In 1876 he was elected Judge of Probate for the district of Orleans, an office which he resigned in 1881. In 1880 he represented Irasburg in the Legislature and received every vote cast at the meeting except four. At this session he was elected one of the Commissioners to edit the Revised Laws, but subsequently resigned the position. In 1882 he again represented the town in the Legislature and was this time chairman of the Judiciary Committee. In 1884 he was elected Senator from Orleans county and became president *pro tem* of the Senate. Again in 1890 he represented the town in the Legislature and at this session was elected Judge of the Supreme Court, a position which he held until his death, which occurred at Newport, June 22, 1900.

Judge Thompson was a very remarkable man. He achieved notable success in his profession, and the rewards of his efforts at the bar were as marked in a financial way as his preferments had been in the political field. He stood among the leaders of the strong bar in Orleans county, and in a forensic way but one man excelled him, Charles A. Prouty of Newport. The battles which these disputants had in court and over the question of the removal of the county buildings from Irasburg to Newport, are still fresh in the memory of the people of Orleans county. After he took the bench he heard Mr. Prouty make one of his old-time arguments and declared that he "would give a hundred dollars for a chance to answer it," to which some wag standing near replied: "It would be the dearest investment you ever made in your life, Judge."

As a trial Judge he was feared by some of the bar, but his ability was greatly respected and he dispatched the business of the courts in an able manner. He was an intense partisan, and it was felt sometimes that he took sides, and this was very apt to be the case when liquor cases were on trial. His rulings were learned and his charges models of clearness.

As a Supreme Court Judge he was alert and active and formed his judgments rapidly about how the cases should be decided. His opinions were scholarly and full of research, and his reasons for the positions taken in his decisions were stated forcefully and convincingly.

He had taste for good literature and his general library as well as his law library was large. He loved books and read with delight the best authors. He was a valuable member of the court and it was a distinct loss that he was taken from it at a time when he was at his best. But the system was then a hard one and the labors of the Judge severe, and he is generally credited as having been one of the victims to the overwork that was incident to the duties of the Judge who had to perform service in both the County and the Supreme Courts.

No man on the bench during his time read so much of classical literature and poetry or was so conversant with the work of good authors. He was fond of art and pictures and on a trip abroad visited many of the art galleries of Europe, where he became familiar with the works of the great masters and learned to distinguish their characteristics. He was a charming letter writer and an interesting conversationalist. In all he did he was intense. This element made him require a good deal of the bar when he was on the bench, yet no less than he imposed on himself. He held himself to a high standard and never excused himself from the discharge of any obligation that he undertook. This was why he burned himself out in middle life, but he had already accomplished more than most men do who live past three score and ten years.

WENDELL P. STAFFORD

1861-

Wendell P. Stafford was born at Barre, May 1, 1861. His parents were Frank and Sarah (Noyes) Stafford. He graduated at Barre Academy in 1878, at St. Johnsbury Academy in 1880, and at the Boston University Law School with the degree of LL. B. *cum laude,* in 1883. He located at St. Johnsbury and was admitted to the bar in Caledonia county at the June term, 1882. He practiced his profession at this place constantly until his appointment to the bench in 1900 to fill a vacancy caused by the death of Judge Thompson. For a portion of the time he was in practice he was associated with Judge Henry C. Ide, later of the Philippine Commission and Governor of the Islands. Judge Stafford represented St. Johnsbury in the Legislature in 1892, and was Reporter of the Supreme Court of Vermont from 1896 to 1900. He was appointed by Governor Smith in 1900 a Judge of the Supreme Court, and continued as such until June 6, 1904, when he accepted from President Roosevelt the appointment of Associate Justice of the Supreme Court of the District of Columbia, which place he has held since June 9 of that year. He was president

of the Vermont Bar Association in 1898-99. He has been professor of equity jurisprudence at the George Washington University since September 1, 1908.

He has published the following books of poems: In 1902, a volume entitled "North Flowers"; in 1909, "Dorian Days"; in 1915, "Voices, a Dramatic Ode"; in 1916, "The Land We Love"; and in 1917, "War Poems." He published a book of his speeches in 1913. He has delivered many addresses and contributed many poems and articles to magazines. He was married in 1886 to Florence S. Goss of St. Johnsbury, and their eldest son, Edward, who married the daughter of Admiral Peary, is in legal practice in Washington, D. C. A younger son, Robert, died in 1901.

In a purely literary sense, Justice Stafford stands alone with Judge Royall Tyler among the Judges of the Supreme Court. No other member of the court has any claims to literary distinction except in the direction of historical and legal writings. Nor has there been among the Judges any one who has occupied the same place as an orator that Judge Stafford fills.

As a practitioner, Justice Stafford was a man of high ideals, an accomplished lawyer and an eloquent advocate. As a Judge of the Supreme Court he held the County Courts and sat with the other Judges in the Supreme Court. His high regard for the ethics of the profession was felt in both departments of his labors, and his excellent lawyership was employed in the effort to secure justice for the interests that were before the court. He presided with dignity at *nisi prius,* and his mental alertness enabled him to run ahead of the men at the bar who were trying cases before him, and to anticipate and be prepared for the legal questions that were to come up. He was much at home in the Supreme Court, followed all questions and cases easily, and wrote his opinions with facility. Here his literary style and capacity for direct and clear statement, as well as his legal scholarship, are to be noted.

As a poet and orator the volumes of his works should be consulted for the formation of a judgment. He ranks with Mrs. Dorr as a poet, and as an orator we have had no one on the bench and but one at the bar, at least in recent years, with whom he can be compared. That one is Mr. Phelps. There is a good deal in common between these two men from the standpoint of public speaking. Both prepared their addresses and had them in such concrete form in the mind that they could follow the language as well as the substance of the address when delivered. Mr. Phelps did not always let his audience understand this, but led them rather to think sometimes, as in his address on Chief Justice Marshall, that his professional cares had been too exacting to enable him to commit his address to paper,

FRANK E. BARBER

Born in Wardsboro, Vt., April 28, 1878. He was educated in the Brattleboro schools, studied law in the office of his brother and was admitted to the bar in 1903. He has practiced law at Brattleboro, being a member of the firm of Barber, Barber and Miller. He was State's Attorney of Windham county, 1910-12; Judge of the Brattleboro Municipal Court, 1913-17; and represented Brattleboro in the Legislature of 1921, where he was one of the leaders of the House.

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Frank E. Barber

while the fact was in this instance that he had dictated it not less than five or six times to a stenographer and knew its contents from beginning to end both in substance and language. Justice Stafford writes his addresses and commits them to memory and makes no pretense that they are prepared otherwise. He says that this is the only true way to make an occasional address. The two men are alike in point of fluency, grace and polish. Neither ever halted for a word, took an awkward position before an audience, or made an unbecoming gesture, and each had the capacity for real eloquence.

Some of the most notable of Justice Stafford's addresses are "The Making of Vermont," delivered in the Hall of the House of Representatives at Montpelier in 1900; "Robert Burns, a Poet for the World," delivered in his native town in 1899, on the unveiling of the Burns monument; "At Grant's Tomb," a Decoration Day address, delivered at Grant's Tomb, New York, May 30, 1906; "Lake Champlain in History," delivered at Isle La Motte in 1909 at the Tercentenary celebration of the discovery of Lake Champlain; "Wendell Phillips: The Tribune of the People," delivered at the Park Street Church in Boston, November 28, 1911, on the hundredth anniversary of the birth of Mr. Phillips; "A City Without Citizens," an address relating to the status of the District of Columbia, at the complimentary dinner to President Taft; and "The College a Training School for Public Service," an address at the sesqui-centennial celebration of Dartmouth College, October, 1919.

SENECA HASELTON

1848-1921

Seneca Haselton was appointed to the bench of the Supreme Court by Governor Stickney, in 1902, to fill a vacancy in the court caused by the death of Chief Judge Taft. He was the only member of the court of Democratic affiliations during the time he was on the bench. The question of politics did not enter into his appointment, however. He was chosen because of his eminent fitness and his location at Burlington, where Chief Judge Taft resided.

Seneca Haselton was born at Westford, February 26, 1848, the son of Rev. Amos and Amelia (Frink) Haselton. He acquired his preliminary education in the public schools of Jericho and Underhill, and in the academies at Underhill and Barre. He graduated from the University of Vermont in 1871. During his college course he taught several terms in Barre, Shelburne, Richmond and Waterbury, and for a year after his graduation occupied the position of associate principal of Barre Academy. In 1873 he began the study of law in the

office of Wales and Taft at Burlington, but soon after accepted the chair of instructor of mathematics in the University of Michigan, where at the same time he pursued his legal studies in the law department of that institution. He returned to Vermont in 1875 and was admitted to the bar in Chittenden county at the April term, 1875. He had resided at Burlington since that time except during the period that he was in South America. He was City Judge of Burlington from 1878 to 1886. He represented Burlington in the General Assembly in 1886, and was Mayor of the city from 1891 to 1894. He was appointed by President Cleveland as Minister of this country to Venezuela, and served in 1894 and 1895. He was Reporter of the Supreme Court from 1900 until the time of his appointment to the bench. He remained a Judge of the Supreme Court from the date of his appointment until December 1, 1906, when he became Chief Superior Judge. At the session of 1906 the dual system of courts was established by an act which made provision for a Supreme Court of four members, and the election of six Superior Judges to hold the County Courts. The first four of the Supreme Court Judges were elected as the Judges of that court, and the last three Judges of the old court of seven members were chosen in the order of their service as Superior Judges. Judge Haselton was fifth in the old court, and so became first of the Superior Judges, and by the provisions of the act the first of the Superior Judges to be elected became the chief of that division of the court. He remained as Chief Superior Judge from December 1, 1906, to December 1, 1908, when Judge Tyler refused a re-election, at which time he again took his seat in the Supreme Court, where he remained until his resignation, due to ill health, on May 1, 1919.

Of his work on the bench it is not necessary for me to speak. The final word has been said by another better qualified, the lamented Alexander Dunnett.

A word or more should be said of Justice Haselton as a lawyer before he came to the bench. He was the best legal scholar at the bar of his county, and he shared with Mr. Wilds in the leadership of the bar in his part of the State. After the passing of the latter in 1901 he stood alone. It was a delight to be either with him or against him in the trial of a case. Fair treatment was sure to follow in either case, and his presentation of the case, especially in argument, was sure to be an illumination of all the points that ingenuity and scholarship could call forth. From small beginnings of little facts and circumstances he moved on to bigger considerations until all the material for argument was involved and urged upon the jury. This was presented in a diction that was fascinating and an ingenuity that commanded admiration. He was incapable of forgetting anything or of omitting anything that the jury ought to know. His memory

served him well, too, in introducing evidence. In a will case when a hypothetical question had to be framed for one of the expert witnesses it was proposed that he commit the question to paper that night. He preferred sleep instead, and the next morning propounded the question orally. It took over two hours to do so, but when he had finished, every circumstance in the case that bore upon the answer expected had been recited.

Following is the tribute by Mr. Dunnett:

"Hon. Seneca Haselton
Has Graced the Supreme Court Bench for
More Than Quarter of a Century."

"The resignation of Honorable Seneca Haselton from the position of Associate Justice of our Supreme Court removed from that tribunal one of the brightest stars in the galaxy of New England jurists.

"He has long been recognized as one of the greatest general scholars in Vermont. It has been his life-long habit not only to acquire information, but to think about it and resolve it into relations with the entire system. When he became wedded to jurisprudence he sought to reach the bottom of every proposition. He learned the law historically and philosophically. He loved its authors. He studied the works of the masters and he studied the masters themselves, their lives, their faces and their works until they became his intimate acquaintances and associates. He envisaged our ancient jurists and made their life and knowledge a part of himself. He kept in the closest touch with modern decision and stood for an equitable application of the whole to the cases in hand.

"Judge Haselton was unique in his modesty, but he never wavered or stuttered in his views of the law. While his views were expressed with great modesty, he stood on them as firmly as Mount Mansfield stands upon its base. Perhaps his attachment to the old mountain grew in part from the fact that it was named for the jurist whom he most of all admired.

"He is a gentleman under all circumstances and conditions and this quality of being did not forsake him on the bench. While he stood by his views as stated, he expressed them in so considerate a manner as never to give offense. In judicial work he was a profound believer and exemplar of what is known as the 'higher law.' Perhaps he never used this expression and it may be even that he would condemn the use of it by another, but while he was a profound believer in the law and its righteous enforcement, he had a sense of justice so strong as to enable him to meet and explain all the technicalities of the law that stood in the way of working out his views of justice, and when it was necessary to use these technicalities for the

same purpose, he had them at his fingers' tips and marshaled them in support of his views. In other words, he was inclined to the equitable view of the law.

"It must be admitted that he is a bachelor, but it must also be admitted that this enabled him to discuss and deal with domestic relations with greater freedom and even assurance than fell to the lot of his associate benedicts.

"He has graced the bench as Supreme Court Judge, Chief Superior Judge, and Associate Justice of the Supreme Court for nearly a quarter of a century, has left a pleasant memory with his contemporaries and a goodly heritage of printed opinion clothed in his faultless diction to the people of the State."

Justice Haselton was one of the best legal scholars to adorn the bench of Vermont. His opinions are models of judicial interpretation and expression. It has been very rare that any Judge in our State has drawn from so many and varied sources for the law and has expressed his convictions in language so chaste and expressive. In the capacity to acquire facts from books and manuscripts he was almost a marvel. He would read through a long transcript in an evening and would race down a page of a book in a flash. He read my manuscript for this work in large part, some of which did not come to his office until on the day that I delivered it to Mr. Crockett. I was there at the time and could not at first believe that he had read it, but soon became convinced that he was familiar with the substance and the form alike. He would go back to some of the earlier of the Judges and call my attention to the language that I had used in describing them. He resigned from the bench by reason of bodily infirmities but continued to do some work in his office until within a few weeks of his death, which occurred at Burlington, July 28, 1921.

ROBERT E. HEALY

1883-

Robert E. Healy, who was appointed by Governor Fletcher as fourth Associate Justice of the Supreme Court, December 1, 1914, was born at Bennington, March 25, 1883, the son of John M. and Sarah J. (Corbet) Healy. He was educated in the common schools and the high school of Bennington, studied law in the office of Orion M. Barber at Bennington and was admitted to the bar in 1904. From this time he practiced with his preceptor until the latter was appointed Judge of the United States Court of Customs Appeals in 1910, after which and until his elevation to the bench he was a law partner of Judge Edward H. Holden in the firm of Holden & Healy, the firm

occupying the large and well-equipped office formerly used by Judge Barber. He resigned as a Justice of the Supreme Court in January, 1915, and following his resignation resumed the practice of the law with his old partner, Judge Holden. He has been town law agent for the town of Bennington and a member of the State Bar Examiners continuously since 1909. He is not only a scholarly lawyer, but has fine literary taste as well, and has written verse that has attracted public attention and been given a place in leading periodicals. He has been president of the Vermont Bar Association. He was the youngest man to be called to the Supreme Court since the appointment of Judge Steele. The latter was twenty-eight years of age when called to judicial service.

THE PRESENT JUSTICES OF THE SUPREME COURT (1922)

JOHN H. WATSON

1851-

JOHN H. Watson, Chief Justice of the Supreme Court, was born at Jamaica in Windham county, May 12, 1851. He received a common school and academic education, studied law in the office of Orin Gambell at Bradford and was admitted to the bar in Orange county at the December term, 1877. He at once formed a partnership with his instructor, which lasted for six months and at the end of that time assumed the control of the business on the dissolution of the firm and continued to practice at Bradford until his appointment to the bench. He removed to Montpelier and has since resided there. In 1882 he was elected captain of the Bradford Guards and later became Lieutenant-Colonel of the First Regiment, Vermont National Guard. During the riot at the Ely copper mines, in 1883, he rendered efficient service as Captain of the Bradford Guards in capturing the powder magazine which was in possession of the rioters. From 1886 to 1888 he was State's Attorney of Orange county, and was County Senator in 1892. He was appointed sixth Associate Judge of the Supreme Court by Governor Edward C. Smith, January 19, 1899, to fill the vacancy caused by the resignation of Chief Judge Ross. On July 2, 1900, he was promoted to the position of fifth Associate Judge, made vacant by the death of Judge Thompson, and was elected to the same position in 1900. On March 31, 1902, he was made fourth Associate Judge by Governor William W. Stickney, this advancement being due to the vacancy caused by the death of Chief Judge Taft. He was elected to the same position in 1904 and likewise on the change of the judiciary system in 1906. In 1908, Judge Tyler declined another election and Judge Watson was elected third Associate Judge. On the resignation of Chief Justice Rowell, October 1, 1913, he was advanced by Governor Allen M. Fletcher to the position of first Associate Justice of the Supreme Court, December 1, 1914. He remained the first Associate Justice until his election as Chief Justice. This occurred January 18, 1917, and his term of office began on February 1 of that year. He was re-elected in 1919 and 1921. In 1912 he was appointed chairman of a commission to inquire into the entire educational system and conditions of the State and as such made an exhaustive report. In 1920 he prepared an elaborate address, in which he established by incontrovertible argument the claim that the first Constitution of Vermont was legally ratified and that by its terms

human slavery, as such, became impossible in the State. This was delivered before the Vermont Bar Association at the annual meeting in January, 1921. It is published in the 94th volume of "The Supreme Court Reports," in the proceedings of the Vermont Bar Association and in the records of the Vermont Historical Society.

GEORGE M. POWERS

1861-

George M. Powers, of Morrisville, was born at Hyde Park, Vt., December 19, 1861. He prepared for college at the People's Academy at Morrisville and graduated from the University of Vermont in 1883. He studied law in the office of Philip K. Gleed at Morrisville and was admitted to the bar in 1886. He practiced his profession at Morrisville until called to the bench in 1904. He was Messenger of the Senate in 1872 and 1874; Assistant Clerk of the House in 1884, 1886 and 1888; Secretary of the Senate in 1890, 1892 and 1894; represented Morristown in Legislature of 1896; State's Attorney of Lamoille county from 1888 to 1890; Reporter of the decisions of the Supreme Court from 1902 to 1904. He was appointed Associate Judge of the Supreme Court by Governor McCullough, June 7, 1904, a vacancy having occurred on the bench on account of the resignation of Judge Stafford. He held the position of Associate Judge of the Supreme Court until December, 1906, when by the change in the judicial system the Supreme Court was reduced to four members. He was at this time elected a Superior Judge and continued to hold the position until January, 1909, when he was elected a Judge of the Supreme Court. He remained an Associate Judge of this court until October 23, 1913, when, upon the resignation of Chief Justice Rowell, he was appointed Chief Justice. This position he held until January 31, 1915, he having been elected third Associate Justice by the General Assembly of that year. He was elected second Associate Justice in 1917, re-elected in 1919, appointed first Associate Justice May 1, 1919, and elected in 1921.

WILLIAM H. TAYLOR

1863-

William H. Taylor, of Hardwick, was born at Wheelock, July 18, 1863. He was educated in the public schools, at Hardwick Academy and at Dartmouth College. He graduated from college in 1886 and came to Hardwick to become the principal of Hardwick Academy,

a position which he held until 1889. He studied law in the office of Ide and Stafford and was admitted to the bar in 1892. He practiced his profession at Hardwick, much of the time in company with Walter A. Dutton, until his election to the bench in 1906. He was Supervisor of Schools in Caledonia county from 1889 to 1891 and Examiner of Teachers in the same county from 1891 to 1896. In 1889 he prepared and published a manual of the school laws for the benefit of teachers, and twice compiled the school laws under direction of the Governor. In 1892 he was clerk of the committee on the revision of bills, and in 1900 was a member of the House from Hardwick. From 1894 to 1898 he was State's Attorney of Caledonia county. In 1906 he was County Senator. He remained as one of the Superior Judges from his election in 1906 until October 1, 1913, when he was appointed a Justice of the Supreme Court by Governor Fletcher to fill a vacancy in that body due to the retirement of Chief Justice Rowell. He was re-appointed December 1, 1914, by the same executive, was elected by the Legislature in 1915 and has been re-elected at each session since then. He is now the second Associate Justice of the court.

WILLARD W. MILES

1845-

Willard W. Miles, of Barton, was born February 6, 1845, at Albany, Vt. He was educated in the public schools of that town, the Barnston and Hatley Academies in the Province of Quebec, and at Glover Institute, and was privately tutored in Greek and Latin. While teaching school he employed his leisure time in studying law; he studied with Charles I. Vail at Irasburg and William W. Grout at Barton and was admitted to the bar in Orleans county in 1872. He practiced at South Albany until June, 1873, then opened an office at North Craftsbury, and in 1881 removed to Barton and formed a partnership with Gen. William W. Grout, which continued until 1888, when General Grout retired on account of political duties. After that time Judge Miles continued in practice at Barton until his appointment to the bench, November 29, 1905, to fill a vacancy caused by the death of Judge Start. He was Town Clerk of Craftsbury from 1874 to 1881, and represented Albany in the Legislature in 1872; Craftsbury in the same body in 1878 and Barton in 1904; was State's Attorney for Orleans county from 1890 to 1894; and Senator from the same county from 1894 to 1896. Upon the reorganization of the courts in 1906, Judge Miles being the last appointee, was elected the third of the Superior Judges. He was elected second Superior Judge in 1908, and first Superior Judge in 1910, 1912 and 1915. He became fourth Asso-

COLLINS M. GRAVES

Born in Bennington, November 7, 1871. He was educated at the Bennington Graded School and Brown University, class of 1895. He studied law in the office of Barber and Darling and was admitted to the bar in 1904. He was a member of the Legislature of 1904 and was Postmaster at Bennington from 1906 to 1914. Beginning in 1915, and for three terms, he was Legislative Draftsman. In 1918 he was elected State's Attorney and was re-elected in 1920. He resigned and was appointed Federal Prohibition Director and held this position for about a year, when he found it was impossible to continue his law practice and perform the duties of his office, consequently he resigned. He was elected a member of the Republican State Committee in 1919 and was made secretary of the committee. In 1916 he was a delegate-at-large to the Republican National Convention. He was married in Hoosick, N. Y., to Florence Dewey Quackenbush in June, 1897, and they have four sons, Cebra Q., William R., George and VanVechten Graves.

Collins A. J. Graves

ciate Justice of the Supreme Court by election in 1917 and was re-elected in 1919. He was appointed third Associate Justice May 1, 1919, and elected to the same position in 1921. The latter vacancy was due to the voluntary retirement of Justice Haselton.

LEIGHTON P. SLACK

1867-

Leighton P. Slack, of St. Johnsbury, was born at Woodstock, June 18, 1867. He was educated in the public schools and at Black River Academy at Ludlow. He studied law at Montpelier with Stephen C. Shurtleff and Melville E. Smilie and was admitted to the bar in 1892. He at first located at Barre, where he practiced in company with Judge Frank J. Martin, but in 1895 removed to St. Johnsbury, where he remained in practice until called to the bench in 1913. During all of the time he was in practice at St. Johnsbury he was a partner of Alexander Dunnett. He was State's Attorney of Caledonia county from 1898 to 1900; County Senator in 1904; Lieutenant-Governor in 1910; Presidential Elector in 1912. He was appointed a Superior Judge October 1, 1913, to fill a vacancy on the bench caused by the appointment of Judge Taylor to the Supreme Court. He remained as such until December 1, 1914, when he was appointed by Governor Fletcher as a Justice of the Supreme Court. This position he held until January 31, 1915, when he again became a Superior Judge, having been elected by the General Assembly to that office, and continued to hold the office until May 5, 1919, when he was appointed fourth Associate Justice of the Supreme Court to fill a vacancy in that court due to the retirement of Justice Haselton. He was re-elected to this place at the session of 1921.

THE SUPREME COURT ROOM

The Vermont Supreme Court room and Justices' chambers are conveniently located on the second floor of the new State Building.

Much thought was given to the interior of these quarters, making them a fitting home for the highest court. Its paneling of mahogany toning with the rich velour old blue rug at once delights the visitor's eye. When court is in session the Justices don their robes and preside with a dignity which does credit to the State.

The chambers are richly furnished with mahogany tables and leather upholstered chairs. The rugs and hangings in shades of blue help create an atmosphere conducive to undisturbed study.

THE SUPERIOR JUDGES

ELEAZER L. WATERMAN

1839-

WHEN the dual system of courts was established in 1906, and three new judgeships created, the Legislature filled the places by the election of Eleazer L. Waterman of Brattleboro, Alfred A. Hall of St. Albans, and William H. Taylor of Hardwick, who were chosen in the order in which they have been named. Judge Waterman was sixty-seven years of age at the time, and with Bates Turner of Fairfield he shares the honor of having been the oldest person called to the bench in Vermont. Judge Turner was also sixty-seven when first called to serve. But there were some advantages to the State in having a Judge who had had a long and extensive career at the bar, and had seen and been a part of the proceedings and duties that make up the life of an active lawyer and a man of large affairs. His efficient service on the bench of more than twelve years was a justification for his selection and an answer to any claim that may be made that it is a mistake to call a lawyer to the bench who is past fifty. Had he been elected, however, when he was first nominated for a place on the bench in 1880, the State and not his clients would have had the benefits of his strength and wisdom during the most active years of his life, and he could have performed the duties of a Judge of the Supreme Court which his talents and training so well fitted him to discharge.

He was born in Jamaica, the son of Chandler and Polly (Thayer) Waterman, July 25, 1839. He was educated in the common schools and at Leland and Gray Seminary at Townshend, and studied law in the office of Butler and Wheeler at Jamaica. The junior member of this firm was Judge Hoyt H. Wheeler, and the senior member John E. Butler, an uncle of Judge Fred M. Butler, and a remarkable trial lawyer. On his admission to the bar in 1863, Judge Waterman practiced for several years in Wilmington, which he represented in the Legislature in 1867 and 1868. In 1870 he moved to Jamaica; in 1872 he was elected State's Attorney of Windham county; and in 1876 he represented the county in the State Senate, and was chairman of the Judiciary Committee. He remained in practice at Jamaica until 1886, when he removed to Brattleboro, where he formed a partnership with Judge James L. Martin, and later with George B. Hitt in the same firm. This firm was the leading one in the county, and did business under the style of Waterman, Martin & Hitt. On the death of Mr. Hitt the firm was known as Waterman and Martin, and con-

tinued as such until 1906, when in October the junior member was appointed Judge of the United States District Court to succeed Judge Wheeler. In 1891, Judge Waterman was appointed special attorney for the United States to appear for the Government in claims growing out of the Civil War. In 1896 he was elected Judge of Probate for the district of Marlboro, and remained as such until his election as Superior Judge. From 1896 to 1897 he was president of the Vermont Bar Association. He was appointed master by the Federal court to sell the Central Vermont Railway; and he brought to a successful termination the Thompson will case whereby the Memorial Hospital was established in Brattleboro. In 1900 he represented Brattleboro in the Legislature, and was chairman of the House Judiciary Committee. In 1906 he was elected president of the Brattleboro and Whitehall Railroad Company, and at the time of his election to the bench was president of the Brattleboro Savings Bank. He married in 1864 Jane E. Bemis of Windham, and there are six children, one of whom, Capt. Ernest J. Waterman, is a lawyer. He is in charge of the trust department in the Chemical National Bank in New York City.

Judge Waterman was the leading practitioner in Windham county at the time of his election to the bench. No man in that section was as strong with the jury, and he stood very high with the Supreme Court. The firm of which he was the head had a large and lucrative business, which required close application and careful attention. The burden of this fell upon Judge Waterman, and he performed all his trusts as an attorney with great fidelity and ability.

He was an ideal Judge in the County Courts, where his ripe experience and full knowledge of the Vermont cases and the underlying principles of law made him the ready master of the questions that came to the front during the trial and disposition of cases. He was temperamentally well adapted to the service, and commanded the respect of his associates and all who had to do with the court business. He had the graces of the gentleman, and when he had retired from the bench in 1919, one of his assistants in County Court said of him: "He is a prince."

He was called now and then to sit in the Supreme Court, and here his legal acumen and knowledge of the law and affairs made him a useful member of the court, and he wrote some opinions that attracted more than usual attention. In 1917 he received the degree of LL. D. from Middlebury College.

In January, 1919, he decided that he would not longer remain on the bench, although he was still well and able to perform the duties of his office, and declined to be a candidate for re-election. He could again have commanded a clientage, but he preferred to retire from active pursuits in the law in which he had been engaged for fifty-six years.

I said of Judge Waterman at the time he retired from the bench, and I want to repeat it here, that the old-fashioned conception of the Judge, that he must be gruff, stern and indeed savage, is passing away. We like to think of him as being natural, kindly, human. It is easier to live and work in the presence of such a court. These qualities Judge Waterman possesses in a high degree, and many a young lawyer who tried his first case under his sympathetic guidance will ever hold him in kindly reverence. Then, too, he appealed more than the rest of us, I think, to those who had to do with the courts and were not of the bar—the Assistant Judges, reporters, officers and members of the jury. His kindliness, thoughtfulness and personal interest in these were reciprocated by admiration for the Judge.

ALFRED A. HALL

1848-1912

Alfred A. Hall, who was elected a Superior Judge in 1906, was another Windham county man by birth, but he had gone to Franklin county, where he studied and practiced law. He was fifty-eight years of age and had had an extensive practice—the leading one in Franklin county. He was educated in the common schools and at Leland and Gray Seminary at Townshend. Going to St. Albans from Athens, where he was born, December 31, 1848, he entered the office of Davis and Davis in 1870 as a law student, remained with them for three years, and was admitted to the bar in 1873 in Franklin county. Here he resided until his death, which occurred at St. Albans, January 21, 1912. He was in practice constantly from the time of his admission until his elevation to the bench, and had for a law partner from 1874 to 1900, William D. Wilson. He was a member of the Vermont National Guard for ten years, and was appointed Colonel and Aide-de-camp on the staff of Governor Pingree. He was State's Attorney of Franklin county from 1882 to 1884; State Senator in 1892 and president *pro tem* of that body; chairman of the commission on the revision of the statutes in 1893 and 1894.

He had an eminent career as a Mason, was past Grand Master, past Grand High Priest, and past Grand Commander, and was the first Mason in the State to receive all these honors. He was a 33rd degree Mason and held the highest degree in the Scottish Rites.

Judge Hall presided in the County Courts with great dignity, and enforced the rules and discipline of the court with careful attention. No Judge ever took more pride in his position and labors, or held a higher regard for the sacred duties which his office called him to perform. His long experience before the courts made him con-

versant with the questions that were presented to him as a trial Judge. These he disposed of at once, giving his rulings without delay. Sometimes he found, however, as many another Judge has done, that if he had not decided so quickly he would not have decided as he did. But he enjoyed the respect and confidence of the bar, who lamented that his judicial services were so early terminated.

ZED S. STANTON

1848-1921

Zed S. Stanton, elected Superior Judge in 1908, was born May 1, 1848, in Roxbury. He was educated in the public schools and Northfield High School; he studied law first under the direction of Albert R. Savage, now Chief Justice of the Supreme Court of Maine, and later with Frank Plumley of Northfield and L. L. Durant of Montpelier; was admitted to the bar of Washington county in 1880 and to practice in the Supreme Court in 1882 and the United States District Court in 1889. He held nearly all the town offices in his town of Roxbury, and was Assistant Judge of the Washington County Court from 1884 to 1888; State's Attorney of Washington county 1890-96; Railroad Commissioner 1896-98, being chairman of the board from 1897. He represented Roxbury in the General Assembly in 1884 and 1886, was Senator from Washington county in 1900, and was Lieutenant-Governor 1902-1904. When Judge Tyler announced that he would not be a candidate for re-election during the session of the Legislature held in 1908, Judge Stanton's name was brought forward as a candidate for the new judgeship thus made necessary. During the summer preceding he had been a candidate for Governor against Governor Prouty, had had a very large following among the voters of Vermont and enjoyed the deserved friendship of many leading men in the State. His election to the judgeship was made without serious opposition. He was the Chief of the Superior Judges from 1919 until his death.

Judge Stanton died at Roxbury, August 15, 1921. His career was one of the most interesting in the annals of the Vermont Judges. He commenced life as a railroad brakeman and when so employed was accustomed to see those who belonged to a richer and more favored class riding in the Pullman cars. It then occurred to him that their lot was better than his and he decided that he would become one of their class and enjoy the comforts which were theirs in place of the service which he was rendering. So he left the railroad, got a little schooling, and studied law. During the time he was studying law he was night watchman at the State House in Montpelier. He did

not advance rapidly in his profession and never had the right kind of initiative for success in private practice. It was as an office holder that he became favorably known. His first important work was as State's Attorney of Washington county. Here he curbed and virtually stopped the open rum selling that had been going on for many years. It was a surprise to the members of the bar who had been accustomed to defend these cases, and to their clients, that the new official, who had had little practice, should have the ability to defeat the strategy that had usually been effective in the defence of these cases. It was supposed that the new official could be easily defeated, but when the battle was on it was found that he showed elements of great strength, and the harder he was pressed the harder and thicker were the blows which he gave in return.

When he was Lieutenant-Governor it was said of him that he was one of the best presiding officers the State had had, and when the time came for him to become Governor, by the usual advancement, after serving two years as Lieutenant-Governor, there were friends in great numbers who wished to see him advanced, but the candidacy of Governor Prouty was promoted with so much more organization that the election fell to him. It was fortunate for Judge Stanton that this was the case, for the incoming Legislature, to use the language of one of the older Judges, "kicked him upstairs," by electing him Superior Judge, a place made vacant by reason of the retirement of Judge Tyler from the Supreme Court.

On the bench Judge Stanton did his best work. He presided with fairness and usually with dignity, and his administration of his office appealed favorably to the bar and to the litigants who came to his court. He was conscious that he was not a profound lawyer and was quite aware that in some departments of the law, particularly in equity, he was not well grounded, either by study or experience, for the discharge of the duties that fell to him as Judge, but he knew the sources to which he should go for aid, and these he sought for guidance and seldom went wrong. His strength in this direction was in men rather than in books, but his choice of counsellors was sure to be a wise one, with the happy result that the case usually received at his hands a correct interpretation.

In the conduct of jury cases he was the most at home, and in this department he will be longest and best remembered. He had a commanding presence and good voice, and was by nature eloquent and impressive, as was found in his many efforts upon the stump in the days before he came to the bench. He usually saw clearly the issues that were involved in the trial, and he presented them to the jury in his charges with clearness and force. He saw through any tricks that might be lurking in a case, and stood strongly for the defence of any interests that seemed poorly defended. Once he left his place

ROBERT W. McCUEN

Born in Vergennes, Vt., May 30, 1880, the son of Nicholas J. and Kate H. (Allen) McCuen. He was educated at Vergennes High School and Middlebury College. He conducted the business of the Addison County Newspaper Association at Vergennes for ten years. He held many offices in the city of Vergennes, including that of Alderman, School Commissioner and City Representative to the Legislature in 1906 and 1910. After receiving his degree at Boston University Law School, he took up the active practice of law at Middlebury, Vt. In 1908 he was a delegate to the Republican National Convention and represented Addison county in the Vermont Senate of 1912. He served on the Lake Champlain Tercentenary Commission, the Macdonough Commission and the Deep Water Way Commission of Atlantic States. He introduced the resolution which provided for the Champlain Tercentenary celebration. He has been extensively interested in real estate and farming in Addison county, is a stockholder in the Middlebury Register Company, and is a director of the Addison County Trust Company of Middlebury, Vt. At the outbreak of the World War, Major McCuen was appointed a member of the Public Safety Committee. He attended the First Plattsburg Training Camp, where he received a commission as Lieutenant and was assigned to duty at Camp Greene, N. C., where he won distinction for the system which he employed in entraining and detraining soldiers. He was promoted to the rank of Captain and ordered to France with the Fourth Artillery Brigade of the Fourth Division (Regular Army), and took part in the Aisne-Marne, Chateau Thierry and Vesle engagements, the St. Mihiel drive and the Great Meuse-Argonne offensive. After the Armistice, he joined the Army of Occupation in Germany. While in France, he was assigned to duty at headquarters of the Fourth Division, A. E. F., as Assistant to G-1, Chief of Staff. He was honorably cited, and recommended for promotion to the rank of Major. After his discharge from the Army, he resumed the practice of law at Vergennes, and in August, 1921, was appointed by President Harding, Collector of Internal Revenue for the District of Vermont. In 1901, Major McCuen married Nancy M. Smith of Vergennes, daughter of Phelps B. and Mary A. (Wetherbee) Smith.

R. N. McCuen.

and stood back of a poor woman who was in the witness chair, whom he thought counsel were not treating fairly, and gave them to understand that in this way he had come to her defence.

The bar loved Judge Stanton and enjoyed his companionship to a high degree, and between the bar and him there were the most cordial relations. He called the lawyers by their given names, and not infrequently these were abbreviated, and sometimes he had names of his own that he applied to them, even using these occasionally in court toward those whom he knew best. Sometimes the names which he assigned to the men of the bar were significant, particularly where he had been accustomed to refer to a certain lawyer who was not as sure of his law as were more favored members of the profession, as "Admiral." Some one asked the Judge why he used that term in speaking of the attorney, and he said: "It is because he is at sea on his law." When counsel sounded the wrong note in argument he would call them to account in some quaint way, as was illustrated in a case in Lamoille county when an attorney referred in argument to an incident which he said merited the fate which befell Lot, who was turned into a pillar of salt. The Judge solemnly called the attorney to order by knocking on the bench and saying: "That was Mrs. Lot, Mr. Attorney."

Rugged honesty and native common sense made up for the lack of early culture and careful training in the law and gave success to a life that had in it the elements of a noble manhood and a large outlook upon the affairs of men. Judge Stanton deserves the tribute of a close friend and leading lawyer who pronounced him as one of the very best of the trial Judges.

His home life was ideal and his devotion to his wife and daughter beautiful. Whenever the work in court stopped, for ever so short a time, he made haste to return to his home, there to enjoy its comforts with the other members of his family.

WALTER A. DUTTON

1860-

Walter A. Dutton was born at Walden, January 21, 1860, and was educated in the common schools, Hardwick Academy, St. Johnsbury Academy, Montpelier Seminary, and Eastman's National Business College. He studied law in the office of Joseph P. Lamson at Cabot, in the office of Melville E. Smilie, County Clerk of Washington county, at Montpelier, and in the office of George W. Wing at Montpelier, and was admitted to the bar at the October term of the Supreme Court, 1885. He commenced practice at Hardwick in the

spring of 1886 and continued during the summer, but without any such financial success as warranted his remaining, as it seemed to him, and he went to Lowell, Mass., where he accepted a clerical position and deserted the law until 1895, when he returned to Hardwick, where he has since remained in practice. In May, 1895, he formed a partnership with William H. Taylor, which continued until the latter's election to the bench in December, 1906. In December, 1910, he formed a partnership with Barnard J. Mulcahy, which continued until the death of the latter in August, 1918. Judge Dutton was Executive Clerk to Governor Bell in 1914-1916; Clerk to the Committee on Revision of Bills, 1910; State's Attorney, 1912-1914; Superior Judge, December 1, 1914, to January 31, 1915; member of the Public Service Commission from February 4, 1915, to date, and chairman since February 6, 1918.

JAMES B. DONOWAY

1869-

James B. Donoway, of Middlebury, was born in Vergennes, March 31, 1869. He attended the district schools and New Haven Academy and entered Middlebury College in 1889, where he graduated four years later. He studied law in the office of Judge Frank L. Fish at Vergennes and with Justice Seneca Haselton at Burlington, and was admitted to the bar in 1896. He located at Middlebury, where he has since practiced. He was State's Attorney of Addison county from 1900 to 1904, and County Senator from 1908 to 1910. He was appointed Superior Judge by Governor Fletcher, December 1, 1914, and served as such until January 31, 1915. After his retirement from the bench he resumed practice at Middlebury.

THE PRESENT SUPERIOR JUDGES, (1922)

FRED M. BUTLER

1854-

FRED Mason Butler, Superior Judge since 1909, was born at Jamaica, May 28, 1854. He was educated in the public schools of Jamaica and at Leland and Gray Seminary at Townshend. Before leaving school he began studying law with Jonathan G. Eddy of Jamaica and later studied in the office of Eleazer L. Waterman and Hoyt H. Wheeler. He was admitted to the bar in Windham county in 1877 and in August following entered into a partnership with Joel C. Baker of Rutland, which was discontinued at the end of one year. He came to Rutland to reside in 1877 and has continued to live in that city since that time. He afterwards formed a partnership with Lyman W. Redington, which continued for six years, and in 1884 became a partner of Thomas W. Moloney and continued as such for twenty-four years, practicing law under the name and style of Butler and Moloney. In 1906 he was elected president of the Vermont Bar Association; he was for many years director in the Baxter National Bank and until his election as Judge, in the Rutland Railway Light & Power Company and the State Mutual Fire Insurance Company. He was active in politics and many times a delegate to State and other conventions; Town Grand Juror, 1882-84; City Attorney, 1884-89; City Judge, 1889-95; declining further service at the end of that period to devote his time to his practice. He was elected Senator from Rutland county in 1908 and in January following was elected Superior Judge, which office he now holds. Late in the session of 1908 it was thought wise that the Supreme Court should be composed of five rather than four members and an act was passed in that regard which resulted in the elevation of Judge Haselton, who had previously been Chief of the Superior Judges, to the Supreme Court, and this caused a vacancy in the list of Superior Judges, which was filled by the election of Judge Butler. On the death of Judge Stanton, August 15, 1921, he became the Chief of the Superior Judges.

FRANK L. FISH

1863-

I was born at Newfane, September 17, 1863. My mother was a practical woman of great force of character and amiability of temperament; my father was an idealist. He was a wheelwright and

made all parts of his wagons as strong as the deacon's "One-Hoss Shay." If they ever went to pieces it should have been

"All at once and nothing first,
Just as bubbles do when they burst."

His sense of honesty was a predominant characteristic. He was a great reader of current events, took and read religiously the *Scientific American* all his active life and enjoyed history and poetry. I attended the district school and spent most of my time when school was not in session in my father's shop. When I was fourteen he gave me a bench and tools and set me at the task of making a wheelbarrow. When it was finished he surprised me by saying: "Boy, you will stop your work in the shop now. This is a poor business. You should find a better one. It may be useful sometime to know how to use tools, but I hope you won't have to earn your living in that way." I obeyed and never did any more work in the shop.

I was a student at Leland and Gray Seminary at Townshend for several terms and at Vermont Academy at Saxtons River for two years, graduating in 1886. When I had decided to study law I at first registered as a student of Milon Davidson of Newfane and later of Addison E. Cudworth of Londonderry, and in 1887 entered the office of Judge James M. Tyler at Brattleboro. He was soon appointed to the bench and I studied by myself for several months, then entered the office of Judge Lavant M. Read at Bellows Falls, where I remained until my admission in 1889.

One of the examining committee was Charles M. Wilds, who advised that I locate in Vergennes. This I did in January, 1900, and have remained there since. I was in practice until February, 1912, when I was appointed a Superior Judge on the death of Judge Hall and am still in the discharge of the duties of the office. I had been State's Attorney of Addison county for almost ten years and National Bank Examiner for eight years. I resigned the latter office to run for Congress in 1908 but was defeated. It was my purpose to become again a candidate, but was elected that fall to the Legislature and while there was an unsuccessful candidate against Judge Butler for the new judgeship that was created. When the vacancy in Congress occurred on the death of David J. Foster I had been appointed by Governor Mead to the judgeship. I had thought that my talents were forensic rather than judicial and had hoped that I might make use of these in a career at Washington, but having taken a judicial office I abandoned all thoughts of a political one and have found great delight in the discharge of judicial labors, and I hope have done some good.

I hold an honorary degree from Norwich University, and I assume that I was for a time a trustee there from the fact that I was invited to attend one of the meetings of the board, where I presented a resolution that resulted in the adoption of the first cavalry unit for the University. I had previously raised the money for the purchase of the horses. I am a trustee of Middlebury College, where my three children attended and two of them graduated. I edited the book entitled "Horace Ward Bailey—Vermonter" and have made numerous addresses.

STANLEY C. WILSON

1879-

Stanley C. Wilson, of Chelsea, was elected sixth Superior Judge, April 12, 1917. Judge Wilson was born in Orange, September 10, 1879. He completed his preparatory education at Goddard Seminary, where he graduated in the class of 1896; he graduated at Tufts College in 1901. He studied law with Dillingham, Huse and Howland at Montpelier, and after the dissolution of this firm, with Judge Zed S. Stanton and with George W. Wing at the same place. He was admitted to the bar in 1904, and following his admission for a year practiced at Montpelier. In July, 1905, he located in Chelsea, where he practiced until his election to the bench. He was Deputy Clerk of the Washington County Court from September, 1901, to October, 1902, and of the Orange County Court for several years following July, 1905. He was Reporter of the Senate at the sessions of 1902 and 1904; State's Attorney of Orange county, 1908-1912; chairman of the Republican State Committee from August, 1915, to April, 1917; member of the House from Chelsea at the sessions of 1915 and 1917, and Speaker the latter year. He was re-elected in 1919 and 1921 and is the third Superior Judge.

SHERMAN R. MOULTON

1876-

Sherman R. Moulton, of Burlington, was elected the sixth Superior Judge in January, 1919, and re-elected in 1921. He was born in New York City, June 10, 1876, the son of Clarence F. and Annie Jane (Roberts) Moulton. His father's grandfather came to Randolph in 1785; his father graduated at Dartmouth College in 1863. The latter was engaged in business in New York at the time of the birth

of Judge Moulton, but returned to Randolph when he was thirteen years of age. Judge Moulton was educated at Miss Ketchum's private school in New York, at the Randolph graded and high schools, and at Dartmouth College, where he graduated in 1898. He studied law in the office of Joseph D. Denison at Randolph and at the Harvard Law School, where he graduated in 1901. He was admitted to the bar the same year and practiced at Randolph for four months after admission. He then spent a year as assistant to Frederick H. Button, who was general counsel of the Rutland Railroad, at Rutland, and afterwards entered the law office of Townshend and Avery in New York, where he remained for seven months, when he returned to Vermont and formed a partnership with Clarence P. Cowles at Burlington under the name of Cowles and Moulton. This was in 1903, and the partnership continued until 1911, when Joseph T. Stearns was admitted to the firm, which did business under the name of Cowles, Moulton and Stearns. In 1912, Judge Moulton retired from the firm and continued practice alone until his election as Judge. He held the office of City Grand Juror of Burlington for three years; was Executive Clerk to Governor Gates; Reporter of Decisions, 1916-1919; Senator from Chittenden county in 1919, resigning to become Judge.

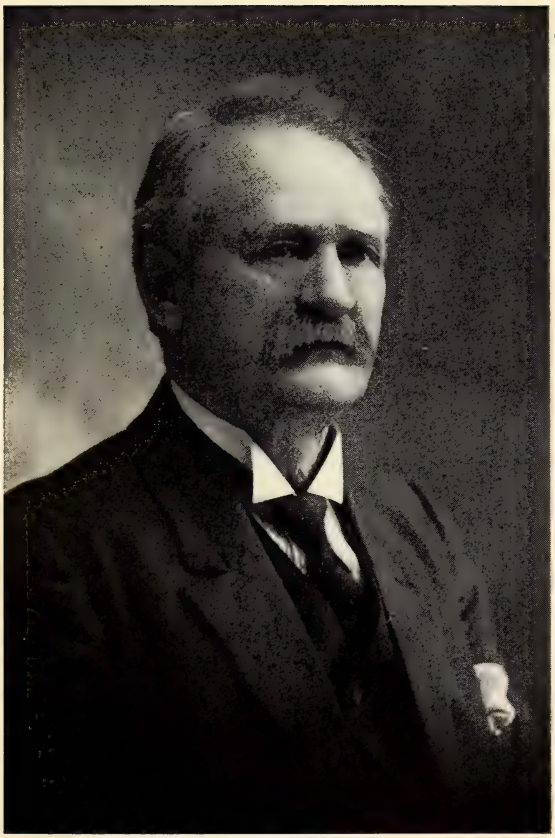
HARRIE B. CHASE

1889-

Harrie B. Chase, of Brattleboro, was appointed the sixth Superior Judge, May 19, 1919, by Governor Clement, to succeed Judge Leighton P. Slack, whose resignation to take the place of Justice Seneca Haselton on the Supreme Court bench caused a vacancy on the trial bench. Judge Chase was born in Whitingham, August 9, 1889, and was educated in the public schools of that town, at the Wilmington High School, at Phillips-Exeter Academy, where he graduated in 1908, and at Dartmouth College. He studied law in the office of his father, Charles S. Chase, at Brattleboro, and at the Boston University Law School, and was admitted to the bar in October, 1912. He formed a partnership with his father, which continued from the time of his admission until his elevation to the bench. The firm practiced at Brattleboro under the name and style of Chase and Chase. Judge Chase is the youngest of the Superior Judges, and with one exception is the youngest man to be called to the bench in Vermont. He was twenty-nine years of age at the time of his appointment. In 1865, Judge Benjamin H. Steele, of Derby, was appointed a Judge of the Supreme Court at the age of twenty-eight.

HOWARD F. WOLCOTT

Born in Leroy, Ohio, June 26, 1849. He was educated at Ypsilanti, Mich., and at Oberlin College. He studied law at Wilmington, Vt., was admitted to the bar in 1876 and practiced at Jamaica, Vt., from 1876 to 1883. Since 1883 he has practiced at Winooski. He has been Municipal Judge of Winooski since 1919.



Howard F. Wolcott

JULIUS A. WILLCOX

1879-

Julius A. Willcox, of Montpelier, appointed sixth Superior Judge by Governor Hartness to fill the vacancy caused by the death of Judge Stanton, was born at Bridport, October 2, 1879. He was educated in the schools of Bridport, Vt., and of Crown Point and Port Henry, N. Y., and graduated from Middlebury College in 1902. He studied law in the office of Stickney, Sargent and Skeels at Ludlow and was admitted in 1908. He practiced at Ludlow from 1908 to 1916 and since has been located at Montpelier. He held some town offices in Ludlow; was official Reporter of the Senate in 1906; second Assistant Clerk of the House in 1908 and 1910, first Assistant in 1912, 1915 and 1917; Clerk, 1919; assistant to Commissioner to Revise Public Statutes, 1915-1916; one of the editors of General Laws, 1917; appointed Secretary of Civil and Military Affairs by Governor Hartness in 1921.

THE CIRCUIT JUDGES

By the provisions of an act which went into effect in the fall of 1850, a change was made in the judicial system by which a Supreme Court of three members was authorized and the State divided into four judicial circuits with a Circuit Judge appointed in each circuit whose duty it was to preside in the County Courts. Each Circuit Judge was a chancellor and the Supreme Court had no equity jurisdiction except on appeal. The Judges of the Supreme Court had no duties to perform in the County Courts. This act was in force for seven years and was repealed by an act which took effect in 1857. The Judges who served in the circuits and did not become Judges of the Supreme Court were Robert Pierpoint of Rutland, William C. Kittredge of Fair Haven, and Abel Underwood of Wells River.

ROBERT PIERPOINT

1791-1865

Robert Pierpoint was a brother of Chief Judge Pierpoint and was born at Litchfield, Conn., May 4, 1791. He came, when a child, to Manchester, where he studied law with Governor Skinner and later removed to Rutland, where he resided thereafter and died May 6, 1865. He was County Clerk from 1820 to 1839; member of the

Constitutional Conventions in 1822 and 1828; member of the Governor's Council from 1825 to 1830; Judge of Probate from 1831 to 1832; Clerk of the House from 1832 to 1834; member of the Senate in 1838 and 1839; member of the House in 1857; Lieutenant-Governor from 1848 to 1850; and Circuit Judge from 1850 to 1856.

WILLIAM C. KITTREDGE

1800-1869

William C. Kittredge, of Fair Haven, was born at Dalton, Mass., February 23, 1800. He graduated at Williams College in 1821 and studied law in Northampton, Mass. He went to Kentucky and was admitted to the bar. For six months he was at Ravenna, Ohio, but returned to Vermont and was admitted to the bar in Rutland county, December, 1824, and settled in Fair Haven. For eight years he represented his town in the Legislature and for two years was County Senator. He was State's Attorney for five years and Judge of the County Court for six years. He was Lieutenant-Governor in 1852 and in 1856 was elected a Circuit Judge and served one year. He was three times married and had eleven children. He died at Rutland, June 11, 1869, while on his way to Bennington in discharge of his duties as United States Assessor of Internal Revenue.

ABEL UNDERWOOD

1799-1879

Abel Underwood, of Wells River, was born at Bradford, April 8, 1799, and was an uncle of Levi Underwood, a brilliant leader of the Vermont bar and Lieutenant-Governor. He fitted for college at Royalton and graduated at Dartmouth in 1824, paying his way by teaching. He studied law with Isaac Fletcher at Lyndon and was admitted to the bar in 1824 in Caledonia county. He began practice in 1828 at Wells River and was prosperous in his profession. He was United States Attorney for the district of Vermont from 1849 to 1853, and was a Circuit Judge from 1854 to 1857. He died at Wells River, April 22, 1879.

THE BAR BY COUNTIES

ADDISON COUNTY

By the act incorporating Addison county, passed October 18, 1785, the towns of Addison and Colchester were made half shires, and the courts were appointed to be held on the first Tuesday of March in the former place, and the second Tuesday of November in the latter. The first term of court was held at the dwelling house of Zadock Everest, a prominent man among the early settlers in Addison. The second term was held at Colchester, but before the time arrived for another term at this shire Chittenden county had been organized (October 22, 1787) and the courts were afterward held at Addison until 1792. These sessions were held at the dwelling house of Jonah Case at Chimney Point, the earliest settlement in the town. When Middlebury was made the shire town and the courts moved thither in the latter part of 1792, they were held for several years in public inns, first in that of John Deming, which stood where the Congregational Church is located, and later in the tavern of Samuel Mattocks, on the present site of the Addison House. The first court house was built with money subscribed by the citizens of Middlebury and vicinity, on land donated by Gamaliel Painter. He was a leading citizen and land owner, a person of great public spirit and already the donor of the common in Middlebury village, which has been enjoyed by the public since the gift was made. The deed of the court house site is dated May 22, 1794, and by its terms the plot is given for the express use and purpose of erecting a court house and jail thereon and as a common never to be divided or put to any other use. The court house was begun in 1796 and finished and occupied in 1798. It stood on the brow of the hill five or six rods north of the present Gardner Wainwright house, and between that place and the Addison House.

The jail, which was built before the court house, was erected on about the same line of the elevation. It contained a dungeon and prisoners' rooms besides a tenement for the jailor's family. During the time when the Legislature had no fixed meeting place two sessions were held at Middlebury, one in 1800 and one in 1806. In anticipation of the coming of that body in 1800 the court house was built with reference to its use by the legislators. One high room, arched overhead, with long windows, and seats rising towards the rear, and a gallery over the entrance at the west end constituted the whole interior of the building. The inhabitants of the town having con-

tributed towards its erection, it was used also as a town hall. Until the completion of the Congregational Church, in 1809, it was occupied by that society as a place of worship. It was used, too, as a place for public meetings of all kinds, there being no other suitable room for the purpose in the village. The jail soon became too unsafe and uncomfortable for use and in 1809 the Legislature assessed a tax for the erection of a new one. This, too, was built of stone.

The old jail was moved to the east of the Addison House and converted into a dwelling house. The second jail was used until 1846, although it had been considered unsafe for some time prior thereto. In that year the present brick jail was constructed on Court Street. The cells, twelve in number, were strongly built and the structure, when completed, was well adapted to the use intended. It is still the county jail, but it has received many modern improvements. The jailor's quarters have been remodelled, a piazza has been erected across the front, the interior of the jail equipped with secure, modern cells, and the whole building made sanitary. As early as 1814 the old court house, standing in the center of the common with roads on all sides, came to be regarded as a nuisance, and it was then removed to the site of the present court house, Judge Painter having deeded the land for the purpose. The building was too cold for occupancy in the winter, having but one high room. Therefore, in 1829, it was divided into two stories. The upper story was finished off for the sessions of the court, with one room adjoining for a consultation room. Three rooms were fitted up below for jury rooms and other uses. The court room when ready for occupancy was said to have been the best furnished court room in Vermont. The time came, however, when the old building was not adequate or creditable, and a measure was inaugurated which resulted in the erection of the present court house in 1883. The ancient structure was moved to the fair ground and does service there as the floral hall.

The present court house is situated on the easterly side of Court Street and near the northerly end of the street. It is built of red brick and is attractive on both the outside and inside. It was not built too large for the use of the county and the cost of maintenance has been small. On the ground floor are offices for the Judge of Probate and the County Clerk with fireproof vaults for the safe keeping of the files and records. Here also are rooms for the grand jury when in session and for the Sheriff. On the second floor is the court room, and in connection with this are rooms for the Judges, lawyers and witnesses, while on the floor above is a large room for the use of the petit jurors. The sessions of the County Court are held on the first Tuesdays of June and December.

SAMUEL MILLER

1764-1810

One of the early lawyers of high standing in Addison county, and the first lawyer to settle in Middlebury, was Samuel Miller. He was born at Springfield, Mass., April 2, 1764, and moved to Wallingford, Vt., in 1785. He lacked the advantages of a collegiate education but this deficiency was well supplied by his superior talents and thirst for knowledge. He studied law in Rutland soon after he came into the State and following his admission located at Middlebury, when the village was almost a wilderness. He had a mind of unusual activity and vigor and was of quick and discriminating perceptions. His practice was a large one both in Addison and adjoining counties. He ranked with Daniel Chipman in lawyership and these two men were at the head of their profession. He was clear and forcible in argument and prompt and thorough in his business habits. He was not inclined to enter politics, but was elected to the General Assembly in 1797, in which he was a prominent member. In manner he was courteous and gentlemanly. He was large-minded and benevolent; his death occurred April 17, 1810.

DANIEL CHIPMAN

1765-1850

Daniel Chapman, first Reporter of Decisions of the Supreme Court of Vermont, was born in Salisbury, Conn., October 22, 1765, and came with his father to Tinmouth, Vt., in 1775. He was one of six sons of Samuel Chipman. In 1783 he commenced his preparatory studies with his brother, Nathaniel, who was in practice at Tinmouth, and entered Dartmouth College in 1784, where he graduated four years later among the first in his class. He commenced at once the study of the law in the office of his brother, Nathaniel, at Tinmouth and was admitted in September, 1790. He located in Rutland and soon had an extensive practice in Rutland, Bennington, Addison and Chittenden counties. In 1793 he was chosen a delegate from Rutland to the convention called at Windsor to amend the State Constitution. The following year he moved to Middlebury, where he retained his practice in all the counties named. In 1798, 1799, 1800 and several years prior to 1808 he represented Middlebury in the General Assembly. The latter year he was chosen a member of the Council under the old Constitution, and was annually elected to that body for several years. He represented the town also in the

General Assembly in 1812, 1813 and 1814. In 1813 he was elected Speaker, in which office he distinguished himself for his promptness and decision. The following year he was re-elected Speaker, and the same year was elected a member of Congress. He attended the first session, but was unable to attend further on account of ill health. The year following, his health being restored, he resumed practice, and in 1818 and 1821 represented Middlebury again in the General Assembly. In 1822 he published an essay on contracts for specific articles. This was highly praised by great jurists and met with a large sale. It added greatly to his reputation as a lawyer. In this work he urged the importance of having the Supreme Court decisions reported. The following year his appeal bore fruit in an act by the Legislature providing for the appointment of a Reporter of these decisions. This office naturally fell to him, but after publishing two volumes ill health compelled him to resign. These reports are known as D. Chipman I and II. He recommended a division of the Legislature into two branches, by constituting a Senate; he attended as a delegate from Ripton, where he had taken up his residence, the convention called to consider this question in 1836, and took an active part in the debate which led to the adoption of the amendment by a small majority. In 1846 he published the life of his brother, Nathaniel Chipman. He afterwards published the Memoirs of Colonel Seth Warner, and Thomas Chittenden, with a History of the Constitution during his administration. His last public duty was to attend the Constitutional Convention in 1850. While in the discharge of this duty he became ill and died April 23, 1850, in the eighty-fifth year of his age. It is doubtful if any other man was as familiar with the early history of Vermont. He was a plain man, but courteous in manner. His addresses and arguments were noted for their strength rather than ornament. He was an able lawyer, well grounded in the common law, and had quick perceptions and great skill in the examination of witnesses. His arguments were rapid, clear and forcible. He had great intellectual powers, which were well trained by intense application and contact with the strong men of his day, who, in many respects, were his peers.

HORATIO SEYMOUR

1778-1857

Horatio Seymour was born at Litchfield, Conn., whence came so many of the great lawyers of the early period of Vermont history. The date of his birth was May 31, 1778. His father was a Revolutionary soldier, and a man of prominence. Horatio Seymour pursued his preparatory studies under the tuition of his brother-in-law,

CHARLES C. JAMIESON

Born November 3, 1866, in Glover, Vt., being the son of William Stuart and Isabella A. Jamieson. His childhood was spent in East Hardwick and Stannard, Vt. He entered the State Normal School at Johnson, Vt., in 1882 and was graduated in 1885, earning his way by working mornings, afternoons, nights and Saturdays in a general merchandise store. He taught school, studied law, and engaged in various occupations during vacations from 1885 until 1888, when he entered the United States Military Academy, from which he was graduated in 1892. He was Second Lieutenant until 1895, when he was appointed First Lieutenant, Ordnance Department. He served as Lieutenant, Captain and Major of Ordnance. At Watervliet Arsenal he was in charge of the manufacture of heavy guns until his retirement from active service, with the rank of Major, in 1910. After retirement he was general superintendent of the Walter A. Wood Mowing and Reaping Machine Company, later became manager of factories for Deere & Company of Moline, Ill., and went to New York in July, 1915, to engage in the supplying of war material to the Allies. He resigned from Deere & Company in 1916, and opened offices as a consulting engineer in New York. When the United States entered the World War, Major Jamieson, April 13, 1917, rejoined the service as a Major in the Ordnance Department, and served in Washington in various positions with increasing responsibility until 1918, when he was appointed Assistant Chief of Ordnance with the rank of Brigadier General, and was placed in charge of production of all ordnance material for the United States Army. After the Armistice, he organized the Salvage Board of the Ordnance Department. Upon his request he was discharged from service January 3, 1919, and returned to New York as vice-president of George W. Goethals & Company. In 1894 he married Frances Parmele Floyd of Highland Park, Ill. They have two children, Floyd M. Jamieson, who served as a Lieutenant in the World War, and Eleanor Jamieson.

Charles C. Jamieson

Rev. Truman Marsh, and was graduated at Yale College in 1797. After teaching a year he entered Judge Reeve's law school at Litchfield and in October, 1799, came to Middlebury and resumed study in the office of Daniel Chipman. In the spring of 1800 he was licensed to practice and at once entered upon an active career at the bar, where he came in competition with such men as Samuel Miller, Daniel Chipman and others, and rose rapidly in reputation as a lawyer and a man. While he did not extend his practice to other counties, it is said of him that no one ever had so many cases or so extensive a practice in Addison county. These brought him a large income, so much so that he was enabled to build the handsome brick house for a home, now known as the Philip Battell house, opposite the Congregational Church, from his earnings during the two years it was under construction. His career as a lawyer was uninterrupted until 1821, although before that time he had been Postmaster of Middlebury for nine years and a member of the Executive Council for five years. In October, 1820, he was elected United States Senator and commenced his duties March 4 following. At the close of his first term he was re-elected and continued in service until 1833, when he returned to the practice of the law. This he followed until the infirmities of old age forced him to retire. The corporation of Yale College, on the fiftieth anniversary of his graduation in 1847, conferred on him the honorary degree of LL. D.

Mr. Seymour, although of exceptional ability, was constitutionally diffident and distrustful of himself; he did not seek office and accepted public positions with reluctance and only through the solicitation of his friends. He was not given to public discussion while in the Senate, but his modest opinions and influence were generally recognized and he associated with, and enjoyed, the intimate acquaintance of men like Adams, King, Clay, Webster and Marcy. It was different with him at the bar. Here the rights of his client demanded that he should speak and he was wont to defend his position with arguments of such power and comprehension that they were hard to meet. He made no attempt at display and his delivery was quiet and modest, but he had ingenuity, tact and wisdom, sympathy and courtesy and these attributes gave him success with jurors. He also enjoyed the confidence and friendship of his associates. His death occurred November 21, 1857, in the eightieth year of his age.

DAVID EDMOND

1778-1824

With the possible exception of Judge Samuel S. Phelps, who is generally credited with having had the most remarkable mentality of any man who has adorned the bench or bar of Vermont, the most

brilliant member of the Addison county bar was David Edmond, who was born at Woodbury, Conn., May 15, 1778, and died at Vergennes, March 27, 1824. He graduated at Yale College with high honor in the class of 1796, in his eighteenth year. President Dwight pronounced him a wonderful scholar in the ease and rapidity with which he mastered his studies. He read law in the office of his brother, Judge William Edmond, in Fairfield county, Conn., came to Vergennes in 1801, and was admitted to the bar of Chittenden county in February, 1802. He represented Vergennes in the Legislature in 1808, 1809, 1813, 1814, 1815, 1817 and 1821. He was State's Attorney for Addison county in 1808, 1809, 1813, 1814 and in 1819 to 1823, inclusive. He was a member of the Constitutional Convention in 1814; Mayor of Vergennes from 1819 to his death in 1824. In 1816 an effort was made to have him become a candidate for Congress, but he declined as he thought he should not leave his extensive and lucrative practice until he had made provision for his young and growing family. His name, however, was placed on the general ticket as one of the six members to which Vermont was entitled, but the party to which he belonged was in the minority and their ticket was defeated. In the suit instituted in 1817 by the Episcopal Society of Vermont to recover lands which the State had appropriated to the use of the schools, and which was decided in the Supreme Court of the United States in 1823, Mr. Edmond was associated with Daniel Webster on the side of the State. Mr. Webster expressed his admiration of Mr. Edmond for his excellent lawyership, and said of him that he was as good a lawyer as he wished to know.

This case was of great interest. It will be found in 8 Wheaton 464 of the United States Supreme Court Reports. Its title is The Society for the Propagation of the Gospel in Foreign Parts v. The Town of New Haven, and William Wheeler. A brief history is necessary to a proper understanding of the case. In the charters of most of towns in Vermont, which were issued by Benning Wentworth, Governor of the Province of New Hampshire, one share in the township was set aside for the Incorporated Society for the Propagation of the Gospel in Foreign Parts, and one share for a glebe for the Church of England. As he issued nearly one hundred and forty charters in all it became a matter of great consequence whether the lands could be held for the purposes intended in the grants as against an act appropriating them to other uses. Such an act was passed in 1794 and by its provisions the glebes were granted to the respective towns in which they were situated for the support of religious worship and the Selectmen were given authority to obtain possession of the lands by writs of ejectment and to let the same for the purposes named in the act. In the case of the Propagation Society lands, the Selectmen were given the same authority to obtain possession by writs of

ejectment, and were authorized to lease the same "as long as water runs and wood grows," the rents to be used for the benefit of the schools in the town where the land was situated. The rights under the grant of the glebe lands, as affected by the act of 1794, were determined in a suit of which the title is The Town of Pawlet v. Daniel Clark and Others. It is reported in 9 Cranch 292, of the United States Supreme Court Reports. This suit was brought to the Circuit Court for the District of Vermont, was tried by a jury and a verdict rendered. The Judges of the court were opposed on the question as to whether the judgment should go to the plaintiff or the defendant on the verdict. They stated the case fully on the facts and certified it to the Supreme Court of the United States for decision. Here the case was argued by Mr. Webster for the Town of Pawlet, but whether he appeared in the case in the court below the record does not show. He was successful in his efforts for his Vermont client this time and Justice Story in a long and elaborate opinion discussed several reasons why the original grant was invalid, and concluded that by the Revolution Vermont succeeded to all the rights of the crown in the glebes, and that the latter by the act of 1794 became the property of the towns.

It is reasonable to assume that the efforts of Mr. Webster in the Pawlet case led to his employment in the New Haven case. Be this as it may, he appeared with Mr. Edmond at the May term of the Circuit Court for the District of Vermont, held at Windsor in 1820, and there defended the action of ejectment brought by the plaintiff society, the Selectmen of the town having leased the premises to the defendant Wheeler. The facts were found in a special verdict and the Judges being again unable to agree upon the judgment, whether it should be rendered for the plaintiff or the defendants, the case was certified to the Supreme Court as was the Pawlet case. Mr. Webster argued the case here for the Town of New Haven and Joseph Hopkinson of the Pennsylvania bar for the plaintiff society. The latter was distinguished as an eminent lawyer, but is chiefly remembered to fame as having been the author of the national anthem, "Hail Columbia." Mr. Webster made use of the same weapons that he had employed in the New Haven case, but they were ineffective in the Propagation case, where the court, speaking by Mr. Justice Washington, held that these rights had become vested before the Revolution and had not been devested by anything that had occurred since. The result was that the act of 1794, in so far as it applied to the Society for Propagating the Gospel in Foreign Parts, was void and conveyed no title to the towns.

This was not the end, however, of the efforts of Vermont to secure some benefit from these lands, for in 1824, after the decision had been rendered in the latter case, Governor Van Ness submitted

to the Legislature his correspondence with Mr. Webster, which disclosed that His Excellency was seeking further advice in the case with the hope that Mr. Webster would find some means whereby the case could again be heard with a more favorable result. The assurances on Mr. Webster's part were not encouraging to the State, but he expressed a willingness to go over the matter with its agent if he would come to Washington and see him. His letters show that his fee of five hundred dollars for the argument of the case at Washington had been but half paid, but with his usual disregard for his financial affairs he advised the Governor that the rest of the fee had better not be sent to him then and stated that he had written Mr. Edmond about the matter, but "had not been favored with an answer," which is explained by the fact that Mr. Edmond had died several months before Mr. Webster's letter was written.

Titus Hutchinson, of Woodstock, afterwards Judge of the Supreme Court, succeeded Mr. Edmond as the agent of the State, and the Governor was given authority to settle with Mr. Webster and with the representative of the estate of Mr. Edmond, whose fee had not been fully paid. Whatever may have been the efforts of the new agent in the New Haven case it is certain that no favorable results to the State followed and the decision in that case has been held as decisive of the rights of the church in all the lands granted to the society in question. The Pawlet case likewise settled the rights in all the glebe lands in Vermont in favor of the towns.

Tradition tells of a brilliant speech of welcome, made without preparation, to President Monroe on the occasion of his visit to Vergennes in 1817. The President asked with surprise and delight: "Who is that man?" And on being told, inquired: "Why is he not in Congress?" Whenever he argued a justice case in his office a crowd was sure to overflow the room to listen to his eloquence. No less an authority than Edward J. Phelps declared that he was "one of the most finished advocates that ever lived."

One of the contemporaries of this remarkable man at the bar, Hon. Charles Linsley, has left us this picture of Mr. Edmond: "He possessed those rare and striking qualifications as an advocate and jury lawyer which captivate the crowd and steal away the hearts of the most acute and thoughtful listeners. He was of medium size, with a fine form and a countenance dignified and pleasing. With an eye dark and pleasing when roused, but in conversation playful and sunny, every motion was easy and graceful and every look was genial and kind. You saw from the first he was no ordinary man. But one must have heard him address a jury—he never wearied them; so long as he addressed them every eye was fixed on him with intense eagerness. He was always short, rarely exceeding an hour in arguing an important case, but that hour was enough for him; for ere that

hour was over the jury would be charmed and fascinated by a power they could not resist. His voice, soft and melodious in its lower tones, was capable of the deepest pathos, or, roused, could reach the grand and terrible. His language was carefully chosen, clear and plain; it flowed from his persuasive lips like flowing waters, sometimes running with a gentle current, then rushing forward with overwhelming force, compelling assent to his opinions. He never hesitated; seldom paused, never reconstructed a sentence. When the words passed his lips they were ready for the press. He was one of nature's orators and fascinated all who heard him. Though he was conscious of his great powers, he assumed no airs of superiority; was modest and plain in bearing and manner and a great and general favorite with his professional brethren."

WILLIAM SLADE

1786-1859

William Slade was the son of William Slade of Cornwall, who was County Sheriff from 1801 to 1810. He was born at Cornwall, May 9, 1786. After graduating with honor at Middlebury College in 1807 he began the study of law in the office of Judge Doolittle at Middlebury and was admitted to practice in 1810, at once opened an office in Middlebury and continued in practice, acquiring considerable reputation, especially as an advocate, until 1814. At this time he gave up the law and became the editor of the *Columbian Patriot,* a Republican (Democratic) newspaper. He found the employment congenial and suited to his talents. The paper gave full opportunity, too, for the expression of his opinions on the issues of the day, in which he became vitally interested for his party, and which he had discussed in many public speeches. He established at this time a book store and printing office at Middlebury and published several books. This enterprise was not successful and was not long continued. His prominence in his party soon made him an office holder. He was, accordingly, elected Secretary of State successively from 1815 to 1822, Assistant Judge of Addison County Court from 1816 to 1821, Clerk of the Supreme Court for Addison county from 1819 to 1823. In 1824 he took a clerkship in the Department of State at Washington, which he held until 1829, when he returned to Middlebury and resumed practice. The next year he was appointed State's Attorney for the county. In 1831 he was elected to Congress, where he continued until 1843. The following year he acted as Reporter of Decisions of the Supreme Court and the same year was elected Governor, continuing in that office for two years. From that time to the close of his life

he was employed as corresponding secretary and general agent of the Board of National Popular Education. Governor Slade was characterized by persevering industry. He possessed a sensitive and ardent temperament, which found expression in his political movements, in religion and in all enterprises which he thought tended to promote the reformation of society. His death occurred January 16, 1859.

ROBERT B. BATES

Robert B. Bates was a strong and brilliant man at the Addison county bar during the first quarter of the nineteenth century. He was admitted to the bar in 1813 and was in practice fifteen or twenty years. He was conspicuous as a member of the Legislature from 1823 to 1829. He held important places on committees, was a popular leader, and during the last three years was Speaker of the House. He was an accomplished debater, and as a popular orator he stood next to Mr. Edmond. But it was as a lawyer that he was mainly distinguished. He came to Middlebury thoroughly equipped for his profession, but had had no experience. Becoming a partner of Daniel Chipman in his large and extensive practice, he had to take up a mass of important business, much of which was new to him. This he transacted in a creditable manner and retained the confidence of clients of the office during the illness of Mr. Chipman and while the latter was in Congress. Self-reliant, calm and confident, artful in examination and cross-examination of witnesses, clear in statements of the law, and powerful as an advocate, he was the best type of the accomplished and successful lawyer.

CHARLES LINSLEY

1795-1863

Charles Linsley was born at Cornwall, Vt., August 29, 1795. He did not enjoy the advantages of a liberal education, but acquired sufficient learning for success at the bar. He first engaged in the mercantile business, which he carried on for but a short time. In 1819 he commenced to study law in the office of Mr. Starr at Middlebury, but completed his course in the office of Chief Judge Stephen Royce at St. Albans. In 1823 he was admitted to the bar in Franklin county, but came to Middlebury at once and began practice. Here he remained for thirty-three years, commanding much public respect and confidence. In 1856 he removed to Rutland, where he formed a partnership with John Prout and entered into a very large business. In

1856 and 1857 he served as Railroad Commissioner by appointment of the Supreme Court, being the first incumbent of that office. In 1858 he represented Rutland in the Legislature and in 1860 held the office of Collector of Customs for the district of Vermont under President Buchanan. He died November 3, 1863. His popularity, legal ability, sterling worth and social qualities were generally recognized. During the last years of his life he was requested by the Vermont Historical Society to prepare sketches of the departed members of the Addison county bar. He discharged this task with great discrimination and thus preserved many facts that would otherwise have been forgotten.

Mr. Linsley was a lover of good society and his taste in this regard caused him to institute, during the forties, a series of annual banquets among the Addison county bar. The first was given at his home and such success attended it that the entertainments were continued for a number of years at the winter term of the Supreme Court for the county. The bar was then made up of brilliant men who graced these occasions and brought forward their very best in songs written for the occasion and well sung, racy and humorous papers, pencil sketches, caricatures in prose and verse; in short, all forms of wit, humor, whimsicality and genial sentiment. The meetings were so exhilarating that the ever-grave and reverend Judges are said to have grown rapidly young as the evening wore on. These were days when Edward J. Phelps was a member of the Addison county bar and contributed to the joy of the annual occasions. These gatherings were kept up for a long time and with increasing success, "until," in the words of Mr. Phelps, "death came at last and waited at the feast, dispersed the assembly, and put out the lights." But in the County Clerk's office at Middlebury are said to be preserved the records of these entertainments held during the golden age of the Addison county bar.

JOHN W. STEWART

1825-1915

John W. Stewart was one of three great lawyers of the older generation of Vermonters who lived far beyond the allotted three score years and ten, retaining both physical and mental vigor. The other two were George F. Edmunds and Benjamin F. Fifield. He was born at Middlebury, November 24, 1825, educated at Middlebury Academy and Middlebury College, graduating from the latter in 1846. His legal studies were pursued in the office of Horatio Seymour at Middlebury, and he was admitted to the bar in January, 1850. Opening

an office at Middlebury he practiced alone until 1854, when he formed a partnership with Judge S. S. Phelps, after the latter's term had expired as United States Senator. This partnership continued until the death of the latter in 1855. He was a director of the Middlebury Bank from 1858 to 1881, and during several years prior to the latter date its president. He was State's Attorney for Addison county in 1852, 1853 and 1854, and represented Middlebury in the Legislature in 1856, 1857, 1864, 1865, 1866 and 1867. During the last three terms he was Speaker of the House. In 1861 and 1862 he was Senator from Addison county, serving as chairman of the Judiciary Committee, and was Governor from 1870 to 1872. In 1876 he was returned to the House and was again its ideal presiding officer. He was in New York until the day before the Legislature assembled and arrived in Montpelier after the flag had been raised on the State House. The roll of the House was being called and he found his way to a vacant seat which had been reserved by a friend, and in ten minutes he was elected Speaker over his Republican opponent, who had but few votes. He was elected to Congress in 1882, 1884, 1886 and 1888, and on the death of U. S. Senator Redfield Proctor in March, 1908, he was appointed by Governor Fletcher D. Proctor to fill out the unexpired term. He formed a partnership with Loyal D. Eldredge, under the name of Stewart and Eldredge, which continued until 1883, when Mr. Eldredge withdrew and a partnership was formed with Charles M. Wilds, under the name of Stewart and Wilds. This continued until the death of Mr. Wilds in February, 1901. After this time Governor Stewart did no law business, nor was he actively engaged in his profession during much of the time after the beginning of his Congressional career. His advice, however, was of much assistance to Mr. Wilds, to whom the principal labor of the office fell.

Governor Stewart took high rank as a lawyer. He saw at once the salient points of a case and was able to bring these out with remarkable clearness and force. His good judgment was sure to put him on the right track. He examined and cross-examined witnesses with skill and his addresses to the jury were models of forceful argument, graceful diction, and polished delivery. He was also a successful advocate before the Supreme Court. His ability was recognized in Congress, where he was one of the leaders. As a public speaker he was one of the best that Vermont has produced.

At the time of his death he was the oldest trustee of Middlebury College, having served continuously for a period of fifty-seven years. It is doubtful if another term of such duration on the board of any American college can be found. He invariably attended the meetings of the board when at home and was an active participant in all discussions. He received the honorary degree of LL. D. from his college

HENRY BATES THAYER

Born August 17, 1858, in Northfield, Vt., being the son of James Carey Barrell Thayer and Martha Jane (Pratt) Thayer. Both parents were born in Vermont of old New England stock. Some of his ancestors came on the *Mayflower*. He attended the public schools of his native place and graduated from Dartmouth College in 1879. He began work the same year in a savings bank in Northfield, and two years later entered the employ of the Bell Telephone system as an employee of the Western Electric Company at Chicago. Within three years thereafter he was made manager of the company's business in New York, being then only twenty-six years old, and his progress in the company was continuous. From 1884 to 1902 he was manager at New York; from 1902 to 1906 he was vice-president. In 1907 he became vice-president and general manager, and in 1908, president. In 1909 he was elected to the vice-presidency of the American Telephone and Telegraph Company, and in 1919 became its president. Mr. Thayer is a trustee of Dartmouth College, a director of the National Bank of Commerce and a director of various telephone and telegraph companies. During all these years he has had an important part in the development of the telephone industry, particularly in solving the engineering and manufacturing problems, both in this country and abroad. He is a member of the Metropolitan, Engineers, Lotus, Automobile, Union League, University and Delta Kappa Epsilon Clubs of New York, also the Union League of Chicago, Chamber of Commerce of New York, and the New England Society. Mr. Thayer was married April 26, 1887, in Ransomville, N. Y., to Carrie M. Ransom, who died May 26, 1916. He has three children, Dorothy (Mrs. Floyd Noble), Ruth (Mrs. Webb W. Weeks), and John A. Thayer. He resides in New Canaan, Conn.

in 1876. In 1855 he was County Clerk of Addison county. He was a director of the Central Vermont Railway Company and regularly attended its meetings. He was usually to be seen at the college functions and ball games and well merited the title of "Vermont's Grand Old Man." He died at Middlebury, October 29, 1915.

CHARLES M. WILDS

1856-1901

The two greatest lawyers at the Addison county bar during the latter half of the last century occupied houses that stand within a few rods of each other on Main Street in the village of Middlebury. One was Edward J. Phelps and the other, Charles M. Wilds. The former was born in Middlebury, educated at Middlebury College, studied law and practiced in his native town before locating at Burlington. The latter was born at Bristol, graduated from Middlebury College, and resided at Middlebury during his professional career. Mr. Wilds was the ablest lawyer of his generation who came to the bar in western Vermont, and his opinions and sayings were the most quoted of any lawyer in the State during the period of his active practice. This was due to a combination of qualities which included a charming personality, as well as logic, learning and keen discrimination. He had a wonderfully pleasing face, a large, strong mouth, and a most attractive eye. His figure was commanding; he was over six feet in height and well proportioned. Few men in Vermont have had more influence with the court of last resort. His birth was at Bristol, February 8, 1856. His boyhood was passed in his native village, where he fitted for college at the Academy. He entered Middlebury College when he was but fifteen and graduated in the class of 1875. In college he was honored both for scholarship and athletics; he was tireless in mental and physical feats alike. President Brainerd gave out to the class in geometry, of which Mr. Wilds was a member, a difficult problem which he had been accustomed to give each year and which had not been solved by any student up to this time. To the delight of his instructor, Mr. Wilds worked out the proposition in a short time by a process entirely new and shorter than the usual method of solution. On the baseball field he was one of the first players to pitch a curved ball. After graduation he took a post-graduate course in mathematics at Yale. In 1878 he began studying law in the office of Wales and Taft at Burlington, where he continued until 1879, when he entered the office of Stewart and Eldredge at Middlebury and was admitted to the bar in 1880. Soon afterwards Mr. Eldredge retired from the firm and in 1883 Mr. Wilds formed

a partnership with Governor Stewart under the name of Stewart and Wilds. This was one of the best known law firms in Vermont and its success rested largely upon the efforts of the junior partner. Mr. Wilds devoted his energies to the study and practice of the law with great ardor and became the best young lawyer in western Vermont. He was no less a leader in politics and during the period of his residence in Middlebury never once failed in carrying his town for his candidate for public office. He declined political office on his own part, and preferred to work for his friends rather than be an office holder himself. He was fond of giving advice to young attorneys and used to admonish them, when speaking of politics, that the true course to pursue was to "be in it but not of it." He served several years as State's Attorney of his county, but regarded this office as a school to equip a young lawyer for higher service in his profession. He considered the trial of criminal cases as excellent discipline for a young attorney and he pointed with pride to his much worn volumes on criminal law by Bishop, whom he regarded as a great law writer. The only other public trust that he assumed was that of Presidential Elector in 1892. He attained local success at once in his profession, but this was to him a preparatory period during which he devoted his leisure to an exhaustive study of the law and particularly that relating to corporations. In this department, as well as in the ordinary branches of the law, Mr. Wilds was thoroughly equipped and was able to match his learning with some of the best lawyers in the country. He was exceptionally strong in the argument of cases before the Supreme Court. These he prepared exhaustively and arrayed before the court in his briefs all the literature available on the points at issue. His presentation was concise, logical, convincing. In 1896, when the Grand Trunk Railway Company desired to retain a Vermont lawyer to commence suit against the Central Vermont Railway Company to recover traffic balances, Mr. Wilds was engaged as the best man for this service. He brought the suit in the Federal Court that resulted in the receivership and had charge of all the legal proceedings. After the local road passed to the Grand Trunk system, Mr. Wilds was retained by the late Charles M. Hays, president of the Canadian road, as leading counsel in connection with the Central Vermont system and so remained until his death. During this time he had his office with the railroad officials in the station at St. Albans, but retained his home at Middlebury. On rendering his final account for services in the suit against the Central Vermont Railway Company, Mr. Wilds had an experience that falls to the happy lot of but few attorneys. It was so modest and the services rendered so valuable that Mr. Hays advised that in addition to his fees he be given ten thousand dollars in the new bonds of the Central Vermont Company. This advice was

followed and so small had been the charges of Mr. Wilds for his services as an attorney and so generous his living that this gift constituted practically his entire estate. In his railroad battles, Mr. Wilds met the best lawyers in New England and was never outclassed by them. He was well armed for the warfare, but his burning enthusiasm carried him beyond his strength and he died at Middlebury of tuberculosis, February 15, 1901, being barely forty-five years of age.

On the occasion of his funeral the Grand Trunk sent a private car, accompanied by many of the officials of the road, to transport his remains from Middlebury to Bristol for interment.

Mr. Wilds had a mind of great natural strength which he cultivated by the constant study of legal principles. He was honest in his thinking and saw clearly and quickly the truth. His attractive personality, great ability and commanding presence made him a natural leader. He was not always successful before a jury, where apparent success is often attained by making the worse appear the better reason, but with the court he had no superiors and almost no equals, and in the multitude of duties that a lawyer is called upon to discharge no one could do more or better work. His personal friendships were many and his early demise a great loss to the legal and political circles of Vermont.

WILLIAM H. BLISS

1847-1910

William H. Bliss was born in Royalton, Vt., October 5, 1847, and died at Middlebury, November 12, 1910. He was the son of Charles and Henrietta Bliss. He fitted for college at the Royalton Academy and graduated from the University of Vermont in 1871. He studied law in the office of Thomas C. Green, Esq., a leading member of the bar of Providence, and was admitted to the Rhode Island bar in 1873. In 1877 he located in Rochester, Vt., where he succeeded in practice Christopher A. Webber, father of Marvelle C. Webber, of the Rutland bar. Here he remained until 1886, when he moved to Middlebury and practiced in partnership successively with Judge Lyman E. Knapp, Almon P. Tupper and Homer C. Royce. In 1890 he was elected State's Attorney of Addison county, but resigned at the end of 1891 at the request of Col. Joseph Battell, who desired to retain his exclusive services in the literary pursuits in which he was then engaged. During the year he was State's Attorney he spent seven weeks in prosecuting felonies in the County Court, one of these being the case of State v. Alphonse Chauquette in which the respondent was convicted of murder in the second degree. In 1894, Judge Bliss moved

to Burlington, where for three years he was in partnership with Eleazer R. Hard. He later became associated with Fred B. Deberville as a law partner at Middlebury, where he returned to take up practice. On the death of Judge James M. Slade in September, 1899, he was appointed his successor as Judge of Probate for the Addison district. This office he retained until his decease. For a number of years prior to his death he had no law partner. He was connected with the principal trials in Addison county, and following the decease of Mr. Wilds in 1901 was the leader of the bar. As a lawyer he had few equals in Vermont. He prepared his cases for trial with great care, and he tried these skilfully and forcefully. He was particularly able in the trial of will cases, in which he had had much experience. It was a delight to be associated with him in a case, and a pleasure, too, to have him as an opponent, for in either case fair and honorable treatment was sure to be accorded. His fine scholarship and mental acumen made him an excellent briefer, and his arguments before the Supreme Court were models both in form and matter. He argued no less than fifty-six cases before the Supreme Court of Vermont.

He was a lover of literature, an accomplished scholar and a poet. He had written verse from his college days and more than once was called on to become the alumni poet of his University. He wrote many poems for public occasions, and left much unpublished verse.

THREE BRILLIANT VERGENNES LAWYERS

PHILIP C. TUCKER

1800-1861

It is natural that the leading lawyers of Addison county should have located at the county seat, as business centers where the courts are held. David Edmond, Chief Judge Enoch Woodbridge and Chief Judge John Pierpoint were the most conspicuous lawyers of Addison county who lived outside of Middlebury. These men lived at Vergennes. The chapter on the Judges contains the outlines of the lives of Judge Woodbridge and of Judge Pierpoint, and the brilliant career of Mr. Edmond is sketched in this chapter. There were several other men, however, who took up the law as a profession and practiced in Vergennes, who by natural gifts and legal abilities were equipped for the highest service in the profession. One of these men was Philip C. Tucker, who was born in Boston, January 11, 1800, and came to Vergennes in 1815. He received his early education in the schools of Boston, but was a student by nature and habit all his life and his attainments in scientific knowledge and *belles lettres* were of a high

order. He studied law in the office of David Edmond and Noah Hawley at Vergennes and in 1825 was admitted to the Addison county bar. He commenced at once the practice of the law at Vergennes and continued it with considerable success all his life. In politics he was a Democrat. In 1828 he was a member of the State Constitutional Convention and in 1829 and 1830, of the Legislature. In 1835 the University of Vermont conferred on him the honorary degree of Master of Arts and in 1842 Middlebury College bestowed a similar honor. In 1821, Mr. Tucker became a Free Mason and advanced in due course to the highest office conferred in the State. For many years he was the highest officer in the local bodies and later he became the leading Mason in Vermont and held high office in the Grand Lodge and Grand Chapter. He lived in the days of the Anti-Masonic crusade and at its beginning was Deputy Grand Master of the Grand Lodge. He at once attacked the enemies of the Order with voice and pen and became the champion and leader of the faithful in Vermont. In so doing he sacrificed business and future prospects in his profession and lost the goal he should have attained in the law. In 1847, the contest over, he was elected Grand Master of the Masonic Grand Lodge and held this office until his death, which occurred at Vergennes, April 10, 1861, a period of fourteen years. Mr. Tucker was distinguished as an able writer and an accomplished advocate and by great independence of thought and action. He was dignified and impressive in appearance and was a thorough gentleman of the old school. His Masonic writings obtained for him more than a national reputation, while his literary and professional labors commanded the respect of his contemporaries.

FREDERICK E. WOODBRIDGE

1818-1888

Another Vergennes lawyer who belongs in the class now under historical review was Frederick E. Woodbridge. He was born at Vergennes, August 29, 1818, and died at the same place, April 26, 1888. He was the grandson of Judge Enoch Woodbridge and the son of Enoch Day Woodbridge, the latter of whom was a prominent and influential citizen of Vergennes, its Mayor and a member of both branches of the Legislature. His mother was Clara Strong, daughter of Gen. Samuel Strong, who commanded the Vermont troops in the Battle of Plattsburg. One brother, Samuel, graduated at Williams College about 1827, studied law, was admitted to the bar and practiced for a time with his father. He combined marked ability with unusual amiability of character, and his early death, August 25, 1834, ter-

minated a career of great promise. Frederick E. Woodbridge was graduated at the University of Vermont in the class of 1841. He studied law in the office of his father and was admitted to the bar in 1843, where he soon took high rank as an advocate and speedily attained prominence and influence in public affairs. He represented Vergennes in the Legislature in 1849, 1857 and 1858; was repeatedly Mayor of Vergennes; was State Auditor in 1850, 1851 and 1852; from 1854 to 1858 was State's Attorney of Addison county; for several years was vice-president and active manager of the Rutland & Washington Railroad; and was State Senator in 1860 and 1861 and president *pro tempore* at the latter session. In 1862 he was elected to Congress and re-elected to the two following sessions. After his retirement from Congress he was again several times elected to the Legislature of Vermont. Mr. Woodbridge was a very brilliant man. He had a fondness for learning, was an accomplished scholar in the dead languages, familiar with the best literature, and possessed of a great fund of general information. He was, moreover, a gifted speaker, whose sentences came in rhythmic flow and whose presence and gesture added to the charm of his delivery. He was sure of a hearing when he spoke to his fellow citizens at home, or addressed the conventions of his party, or appeared as a disputant in political campaigns. In Congress his reputation as an eloquent orator assured him of a full attendance whenever it was announced that he would speak. He had great amiability of disposition and was sympathetic and kind to the poor. He was high minded and generous almost to a fault. Had he served his profession "with but half the zeal" that he devoted to politics he might have stood at the head of his bar, but he gradually let go from the study of the law, and in old age found himself without clients in circumstances such that he would have been glad to have retained them. He was, notwithstanding, an eloquent and persuasive advocate, and he achieved a good deal of success with juries, especially in his earlier practice.

GEORGE W. GRANDEY

1813-1893

The other member of the Vergennes triumvirate who is entitled to notice was George W. Grandey, who was born in Panton, February 3, 1813, and died at Vergennes, December 14, 1893. He studied law and was admitted to the Vermont bar in 1841 and a few years later to the bar of the Supreme Court of the United States. He represented Vergennes in the General Assembly thirteen years, was County Senator for two years; was Speaker of the House in 1854, 1855, 1856,

PARTHENIA ROBINSON KENNEDY

Born in Moretown, Washington county, Vt., November 19, 1802. She was sixth in descent from Rev. John Robinson, pastor of the pilgrims at Scrooby and Leyden. Her grandfather was Gov. Moses Robinson and her father, Elijah Robinson, a captain in the War of 1812. Her mother was Lydia Bragg of Moretown. A private teacher was secured by a group of families, including the Robinsons and Governor Skinner's family, and Parthenia Robinson secured a better education than the common schools of the period afforded. She married Leonard Kennedy of Hartford, Conn., July 14, 1825. After marriage Mr. and Mrs. Kennedy resided for a short time in Utica, N. Y., removing soon to Hartford, Conn. Later they resided in Milwaukee, Wis., for several years, going from there to California and returning three years later to Hartford, Conn., to live and die in the house where most of their children were born. The children were Miriam Parthenia, Leonard White, Fanny Lewis, Algernon Sidney, Samuel Lewis, Susan Skinner, and Elijah Robinson. Mrs. Kennedy was an intellectual woman, animated and entertaining in her relations with others and witty in her conversation. She died April 14, 1874.

Mrs. Parthenia Robinson Kennedy

and at the extra session of 1857, and again in 1868 and 1869; was County Superintendent of Schools in 1846 and 1847; was Superintendent of Schools for Vergennes for twenty-four years; member of the State Board of Education in 1873 and 1874; State's Attorney for Addison county in 1845, 1846 and 1847, and again in 1869, 1870 and 1871; was chairman of the Vermont Electoral College at the Presidential election in 1868, a delegate-at-large from Vermont to the Republican National Convention in 1872 and chairman of the Republican State Committee for many years, beginning in 1874 and ending a short time prior to his death. For five years he was National Bank Examiner for Vermont. General Grandey was a man of very exceptional natural gifts. Edward J. Phelps, who was in attendance on the occasion of his burial, said of him, in conversation with a friend, that he "did not see why General Grandey was not a great man," that "he had read everything and forgotten nothing." Had circumstances and temperament been in accord for an eminent career at the bar, it certainly would have come to General Grandey, but the allurements of politics drew him away from his books, and he preferred to rely on his wits and to do small business rather than devote himself to the better things of his profession. He was by nature scholarly and his discussion of a legal principle was in the language of the books, but he preferred the Justice Courts to the County Court or the Supreme Court, for the exercise of his legal talents. He tried many justice cases with great success and was here a match for any man in the profession. Like Stephen A. Douglas, he was noted for his agility in that kind of mental give-and-take that corresponds to physical combat, but he shrank from profound legal discussions in the higher courts. He was a man of striking presence, had a piercing eye, and hair as black as a raven. His mouth was large, strong and filled with teeth of almost oversize. He was of medium stature, but finely proportioned. His form was erect, and whether he sat on horseback or walked the street or conversed with friends or was in action in making addresses he was sure to attract attention. His gestures were emphatic and his speech positive and convincing. He drew from a great fund of information that he carried at his tongue tip. It was definite if not profound. In his day Vermont had no man who could preside better over a public assembly, and if ever an abler Speaker sat in the chair of the House there was never a more gifted one. On the second day of the session he could call by name and town every man in the General Assembly. He could bound every town in Vermont. As an extemporaneous speaker he had no equal in the State. In the discussion of local questions he was usually pitted against Mr. Woodbridge, and the arguments of these men were sure to enlist the interested attention of the hearers, who hung upon

their eloquent words and applauded their sallies of wit and thrusts of sarcasm. On public occasions speeches were expected from both men and their admiring fellow citizens were sure to be filled with joy and pride at their efforts. Of the three men, Mr. Woodbridge was the most accomplished, while General Grandey had the more remarkable natural talents. It is a great misfortune that none of the men had an exclusive taste for the law, for the highest success would have been sure to have followed. The law is a jealous mistress and success at the bar comes not to him who worships at another shrine.

PRESENT MEMBERS OF THE ADDISON COUNTY BAR

Charles F. Abbott, of Middlebury, was born at Sheffield, Conn., August 24, 1868. He was educated at the Stevens High School, Claremont, N. H., and at Dartmouth College and Harvard University; studied law at the University of Michigan, where he received his degree in 1897; was admitted to the bar of Michigan in June, 1897, and to the bar of Colorado in the fall of the same year, to the bar of Massachusetts in 1899, and to the bar of Vermont in 1917. He practiced at Denver from 1897 to 1898 and at Gardner, Mass., from 1899 to 1901. In the latter place he was a member of the School Board. He is at present a professor in Middlebury College.

Wayne C. Bosworth, of Middlebury, was born at Bristol, February 2, 1891. He was graduated at Middlebury College in 1911 and at Trinity College, Oxford, in 1917. He studied law at the New York Law School and with Walter H. Cleary and John W. Redmond at Newport, and was admitted to the bar in 1917. He has been in practice at Middlebury since October 1, 1919.

Charles I. Button, of Middlebury, was born at Brandon, May 14, 1877, and graduated from the Brandon High School in 1894. He graduated at the head of his class at the University of Vermont in 1899 and enjoyed a similar honor at the law school of Lake Forest University in Chicago, where he graduated in a class of over sixty in 1902. He was admitted to the Chicago bar in June, 1902, and to the bar of Vermont in January, 1904. In Chicago he was in two law offices, that of Church, McMurdy and Sherman and that of Garnet and Burnes while he was a student in the law school, and after his graduation and before entering the law school he was a student in the office of Hon. E. J. Ormsbee at Brandon. He was for a time a cataloguer in the Chicago Law Institute, the large library located in the Cook county court house. After practicing in Chicago for a year

he located at Middlebury, where he was associated with the late Judge William H. Bliss in many of his cases and on the death of the latter in 1910 he became his successor as Judge of Probate for the Addison district and continues to hold that office. Judge Button is one of the committee of bar examiners for Vermont. He was elected to the General Assembly of Vermont in 1920.

Ellsworth B. Cornwall, of Middlebury, was born at Princeton, N. J., October 21, 1884, and was educated at the Gunnery School in Washington, Conn., and at Princeton University, where he graduated in 1905. He studied law at the New York Law School and was graduated in the class of 1907. During his law school period he was in the law office of Henry W. Jessup of New York City. He was admitted to the New York bar in 1907 and practiced for one year in New York after his admission. He was admitted to the bar of Vermont in 1914.

Albert W. Dickens, of Middlebury, was born at Comstock's Landing, N. Y., October 20, 1852. He was educated at "The Old Red School House" at Northumberland, Saratoga county, N. Y., Fort Edward Collegiate Institute, Princeton University, Union Theological Seminary, and Union Seminary. He studied law at Middlebury in the office of Hon. L. D. Eldredge, Donoway and Davis, and Ira H. LaFleur, and was admitted to the bar May 20, 1903. Since the above date he has practiced at Middlebury, where he has held the office of Justice of the Peace since 1902; he was Referee in Bankruptcy from 1908 to 1917 and since the latter year has been Municipal Judge for Addison county.

Robert D. Hope, of Middlebury, was born in that place March 11, 1886. He was educated at Middlebury and at Northfield and studied law in the office of Ira H. LaFleur; he was admitted January 14, 1914, to the bar of Vermont. He has not been in active practice and since 1914 has been assistant treasurer of Middlebury College.

Edwin G. Hunt, of New Haven, was born at Belmont, N. Y., May 6, 1837; he graduated from Middlebury College in the class of 1857 and studied law in different places and was admitted to the bar and practiced in the West. He returned to Vermont several years ago and since then has been engaged in farming in the town of New Haven. He represented his town in the Legislature of Vermont and was a leader in debate.

Ira H. LaFleur, of Middlebury, was born at Prescott, Ontario, March 23, 1870, and was graduated from the Massena Academy,

Canada, in 1889, and from Middlebury College in 1894. He studied law for a short time with Judge James M. Slade of Middlebury and for a brief period with A. P. Tupper of the same place, but prepared for the bar principally by studying alone. He was admitted in 1898 and has since practiced at Middlebury. He has held the office of Justice of the Peace since 1896 and of School Commissioner since 1902; was trustee of the village one year and Village Attorney two years and now is town Moderator. He represented his town in the Legislature in 1917 and his county in the Senate in 1919.

Robert W. McCuen, of Vergennes, was born there May 30, 1880, and was educated at the Vergennes High School, Middlebury College and Boston University Law School. He studied law with Judge Frank L. Fish of Vergennes, and James B. Donoway of Middlebury, received the degree of B. L. from the law school in 1914 and was admitted to the bar of this State the same year. He practiced at Middlebury and Vergennes from his admission until 1917 and after his retirement from the army resumed practice at Vergennes. From 1902 to 1912 he was editor and publisher of the *Vergennes Enterprise* and *Vermonter;* Alderman from 1904 to 1907; member of the House in 1906 and 1910 and of the Senate in 1912; delegate to the Republican National Convention in 1908; school director; member of the Champlain Tercentenary Commission, and of the Macdonough Commission and president of the Vermont Press Association. He was in the United States Army during the World War from May, 1917, to April, 1919, and retired from the service with the rank of Major. He attended the Plattsburg Training Camp, and was afterwards assigned to the Fourth Division Headquarters (Regular Army) and was with the American Expeditionary Forces in France and Germany ten months. He was in the Fourth Division in the battles of Chateau Thierry and the Vesle River, the St. Mihiel Drive, and the Argonne-Meuse Forest, and afterwards with the Army of Occupation in Germany. He was appointed Collector of Internal Revenue by President Harding in August, 1921, with offices at Burlington.

Jasper G. Page, of Bristol, was born at Lincoln, December 2, 1874. He was educated in the schools of Lincoln, at Centerville, R. I., and at Beeman Academy, where he graduated in 1895. He studied law in the office of Davis and Russell at Middlebury and at the Albany Law School; was admitted in 1908 and has since practiced at Bristol. He held several town offices in Lincoln, was Town Grand Juror in Middlebury and has been Town Agent in Bristol.

Leroy C. Russell, of Middlebury, was born at New Haven, May 23, 1874, and was educated at Beeman Academy and at Middlebury

College, where he graduated in the class of 1897. He studied law in the office of Judson E. Cushman at Burlington, was admitted to the bar in 1902 and has since practiced at Middlebury. He was State's Attorney of Addison county from 1904 to 1908 and has been Referee in Bankruptcy since 1917.

George W. Stone, of Vergennes, was born in Vergennes, March 22, 1876, and educated at the Vergennes High School, Vermont Academy, and Middlebury College. He graduated from the last named institution in 1901, studied law in Atlantic City with Judge Robert H. Ingersoll, and was admitted to the bar of New Jersey in 1905 and to the bar of Vermont in 1912; practiced at Atlantic City from 1905 to 1912 and has practiced at Vergennes since then. He was Deputy Clerk of the Municipal Courts of Atlantic City from 1903 to 1905, and has been City Clerk of Vergennes since March, 1914; was permanent member of the Addison county legal advisory board during the war, Captain of the Vermont Volunteer Militia, and member of the House of Representatives in 1915. He was elected State's Attorney of Addison county in 1920.

Allen R. Sturtevant, of Middlebury, was born at Granville, August 27, 1879, educated at Beeman Academy and the University of Vermont, where he graduated in 1901. He studied law in the office of Judge Charles I. Button and in the office of Ira H. LaFleur in Middlebury, and in the Lincoln-Jefferson University at Hammond, Ind., where he received the B. L. degree in 1911. He was admitted to the bar of Vermont in 1911 and has since practiced at Middlebury. He held the office of State's Attorney of Addison county from 1914 to 1921, has been attorney for the village of Middlebury since 1912, and is a trustee of the Addison County Trust Company.

Frank W. Tuttle, of Vergennes, was born at Montpelier, February 6, 1860, and was educated in the public schools of that city. He studied law in the office of Hiram A. Huse and was admitted to the bar in 1881. He practiced law in Grand Forks, N. D., for two years and then removed to Vergennes, where he has since practiced. He was Alderman and Mayor and for ten years preceding 1914, City Clerk, and for many years City Attorney; was State's Attorney for six years beginning in 1908, and since that time has been Judge of Probate for the New Haven district. In 1917 he represented Vergennes in the Legislature.

BENNINGTON COUNTY

THE county of Bennington comprises seventeen towns and is the only county with two shires. These are Bennington and Manchester. In the former are the towns of Bennington, Glastenbury, Pownal, Readsboro, Searsburg, Shaftsbury, Stamford and Woodford; and in the latter are Arlington, Dorset, Landgrove, Manchester, Peru, Rupert, Sandgate, Sunderland and Winhall.

At the time New York claimed to exercise jurisdiction over Vermont the lands in the present county of Bennington were claimed as part of the county of Albany. In 1772 that county was divided by an act of the New York Assembly and the county of Charlotte constituted, which included nearly the whole of the west side of the State of Vermont, with a county seat at Whitehall, N. Y. Cumberland county was established in 1766 and Gloucester county in 1770. When the State, on its organization in March, 1778, was divided into two counties by the ridge of the Green Mountains the name given to the western county was Bennington. This county was divided into two shires, the part embracing the present county of Bennington being called the Bennington shire, and the county seats being Bennington and Rutland.

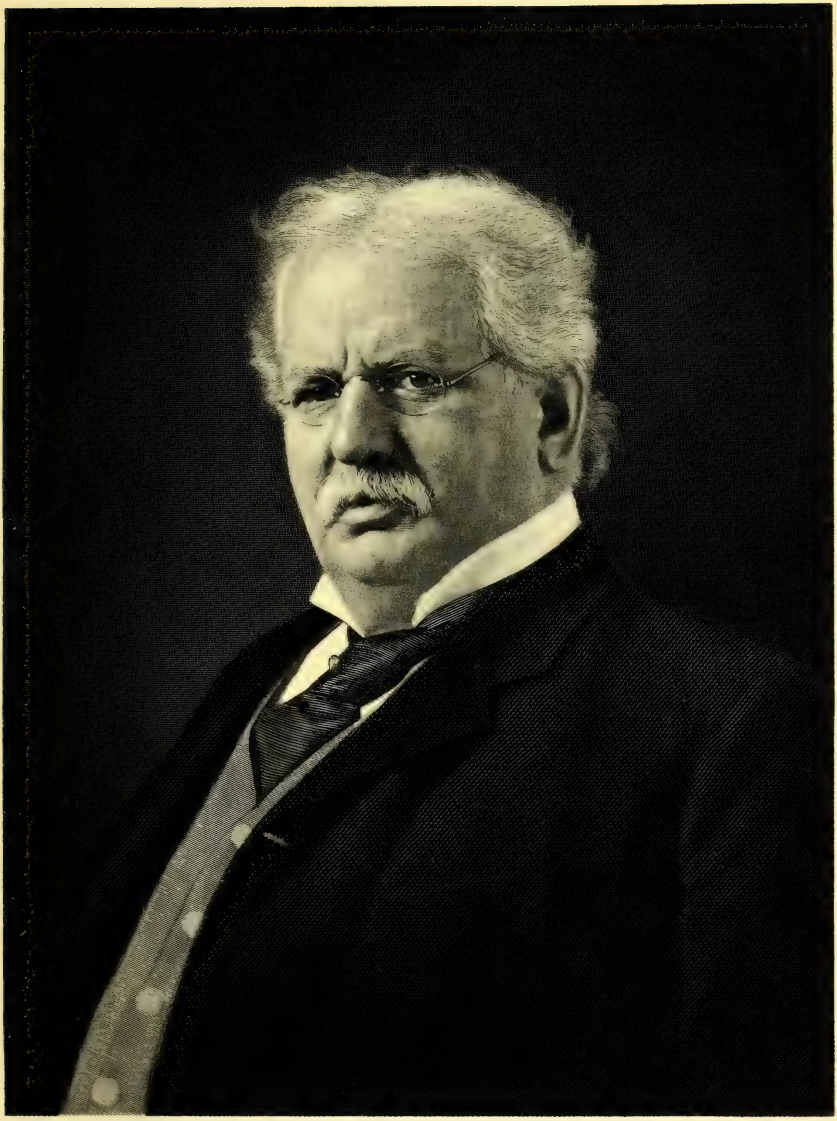
By act of the General Assembly, passed February 13, 1781, the county of Rutland was formed out of that of Bennington, the south line of the new county being identical with its present boundary. At the same session the towns of Bennington and Manchester were declared to be "half shires for holding courts in the county of Bennington provided the town of Bennington completes a jail by the first day of June next and a court house by the first of October next," the courts to be held alternately in the two shires. The court houses and jails were subsequently built in each of the shire towns and the arrangement then made has continued to the present. The County Court sits at Manchester on the first Tuesday of June and at Bennington on the first Tuesday of December.

For many years prior to 1915 a court rule was in force which permitted litigants so desiring to try their cases in the shire of their residence. This gave in effect but one term of court a year and retarded litigation. In 1915 a new rule was adopted which provides that if the parties cannot agree that a case shall be tried in the shire where the court is in session, the court may order the case for trial there or in the other shire, and at the conclusion of the other business of the term may adjourn from one shire to the other for the purpose of trying a case therein.

In 1791 the first court house and jail was erected on the summit of the hill in the old village of Bennington. This building was re-

THEODORE N. VAIL

Born in Carrolton county, Ohio, July 16, 1845. His father removed to New Jersey and later the family went to Iowa. The lad studied in the old academy at Morristown, N. J. He had acquired a knowledge of telegraphy and he secured a position as operator at a small station on the Union Pacific Railroad. In 1869 he was appointed a clerk in the railway mail service. His success in distributing and dispatching mail brought him, in succession, the appointments of assistant superintendent and general superintendent of the Railway Mail Service. His executive ability attracted attention and he was offered the position of general manager of the Bell Telephone Company. This he accepted, and although he had many obstacles to overcome he was eminently successful. From 1885 to 1887 he was president of the American Telephone and Telegraph Company and later he served as president of the Metropolitan Telephone and Telegraph Company of New York. In 1893 he visited South America and organized a trolley service for Buenos Aires, Argentina. He purchased a large farm in Lyndon, Vt., known as the Speedwell Farms, where he raised horses, cattle and sheep, making the place his home for many years. In 1907 Mr. Vail again accepted the presidency of the American Telephone and Telegraph Company. In 1910 he was elected president of the Western Union Telegraph Company and reorganized its business. He was a director in several banks and corporations and received honorary degrees from Princeton, Dartmouth and Middlebury Colleges, the University of Vermont and New York University. He founded an agricultural school at Lyndon, Vt. He was a delegate from Vermont to the Republican National Convention of 1916. He died April 16, 1920.



Theo. A. Vail

placed by a brick structure which was authorized by an act of the Legislature, passed in 1846. The courts for the southern shire were held here until March 26, 1869, when the court house was destroyed by fire. By this time the village of Bennington had outstripped the old village in population and wealth and had become the business center of the town. The County Clerk had found it necessary to maintain an office in the principal village for the convenience of the bar, and here the important current records of the county were kept. An attempt was made to retain the court house in its former location, but a portion of the people were in favor of locating the county buildings in a central place where all the records could be kept and all the courts held, and thus abolishing the two shires.

An act, passed by the General Assembly, November 15, 1869, levied a tax on the county for the purpose of erecting buildings for the County Court. This act provided that a vote should be taken in the towns of the county at the town meetings to be held on the last Tuesday of the February following to determine whether there should be county buildings in more than one place. The voters who desired but one place for holding court were to designate on their ballots the place in which they wished the court house and jail to be erected; if there should be a majority of the votes for any place the buildings were to be erected there, but if otherwise they were to be located in the village of Bennington. All the voters designated the place where they wished the new buildings to be erected, if a majority should vote for a single place. The vote was in favor of the continuance of the two shires and a committee chosen for the purpose erected the present court house and jail in the village of Bennington. This building has recently undergone repairs. The court room has been reduced in size by partitioning off the balcony, the jail has been strengthened by the installation of steel cages, and the offices of the County Clerk and Judge of Probate and the quarters of the jailor have been renovated and improved.

The court house at Manchester was built in 1822 on land owned by the town. This succeeded an older structure wherein were held the courts, religious and town meetings. In 1842 the town began holding town meetings here every two years. The court room was used by the public for meetings of all kinds, the bell was used for a fire alarm, and the building was left unlocked. Meetings were held in the court house by the village as well as the town of Manchester, and one of the rooms was used for the Town Clerk's office and another for the Judge of Probate for the Manchester district. In 1849 an addition was built on the rear of the building in order to give more capacity to the court room and in 1890 further additions and improvements were made. It is not surprising that the inhabi-

tants of Manchester, after having occupied the court house for so long a time and in so many ways should have concluded that they had some legal rights in it. This opinion was strengthened by the fact that the court house had been built on land owned by the town. The town undertook in a suit in chancery to have its rights determined, in which they made claim that the buildings had not been so dedicated to the county's use that the legal title of the town had ceased, and so they claimed the right of occupancy. The Court of Chancery held otherwise, as appears by the decision of the Supreme Court in County of Bennington v. Manchester, et al., 87 Vt., 555.

JOHN BURNAM

1742-1829

John Burnam, commonly recognized as the first Vermont lawyer, was born at Ipswich, Mass., in 1742. He died at Middletown, August 1, 1829. When he was nineteen years old he came to Bennington. In 1764 he bought one hundred acres of land in Shaftsbury and the following year located there near the residence of John Munro a "Yorker," who held a commission from New York as a Justice of the Peace and became obnoxious to the New Hampshire grantees. A dispute arose between Munro and Mr. Burnam and the former having prevailed because of his supposed legal knowledge, Mr. Burnam proposed to inform himself on the subject of law so that he might understand his own rights. There was no attorney in the western Grants at this time or nearer than the village of Lansingburg, N. Y. Thither Mr. Burnam went and procured Blackstone's Commentaries and a volume or two of New York Colony Laws. These he became familiar with, by exhaustive study, and thus became a well-read lawyer. This knowledge he put into practice and tendered his services to the people in his vicinity and thus became the first lawyer upon the Grants. From 1771 to 1779 he resided in Bennington, where he was engaged in the mercantile business. The latter year he went to Shaftsbury, where he remained until 1785. During this time he was a member of the conventions which met in 1776-77, authorized a separate State, and formed our first Constitution. He was on the committee "to prepare a draught for a declaration for a new and separate State." He represented Bennington in the first General Assembly, which was held at Windsor in 1778. At that session the common law of England was established as the law of this State. Mr. Burnam is credited by tradition with having defended David Redding, who was charged with "inimical conduct" and by a jury of six persons only

was convicted. He was sentenced to be executed June 4, 1778. On that day Mr. Burnam informed the Governor and Council, then in session in Bennington, that no person could be sentenced under the common law of England but upon a conviction by twelve of his peers. A reprieve was accordingly granted until June 11 at two o'clock in the afternoon. The vast multitude that had assembled to witness the execution was greatly disappointed and clamorous for action. Ethan Allen mounted a stump and told the people to go home and come again on the day named, when someone would be hanged, for if Redding was not hanged he would be. The case was taken up in the General Assembly, June 6, which voted that the petition for a new trial be taken into consideration and a committee of five was appointed to prepare a bill. In council, June 9, 1778, Ethan Allen was chosen to act as State's Attorney in the case, and on the same day the common law trial by a jury of twelve was held, Redding was convicted and executed on June 11, the day fixed in the reprieve.

The first attorneys under the government of this State were Stephen Row Bradley and Noah Smith, who were admitted to practice in May, 1779. Nathaniel Chipman was admitted in June and Jonathan Bruce in November of the same year, but neither of these men was a resident of Vermont until after Mr. Burnam had earned the right to be called a lawyer. After the courts were established Mr. Burnam appeared in court in several cases tried in Bennington and in some of these cases was opposed by Messrs. Bradley and Chipman, who insisted on his taking the attorney's oath; and he was admitted to practice at Bennington in 1780. He moved to Middletown in 1785 and there practiced law for several years, and represented the town for six years, beginning in 1788, in the General Assembly. He was declared to be "a man of real abilities and great scientific knowledge."

AHIMAN L. MINER

1804-1886

Ahiman L. Miner held a leading place at the Bennington county bar for more than half a century. He was born at Middletown, Vt., September 23, 1804. Educated in the common schools and at an academy, he studied law in the offices of Mallory and Warner at Poultney, Benjamin F. Langdon at Castleton, and Royce and Hodges at Rutland, and was admitted to the bar in Rutland county in 1832. He soon located in Wallingford, where he practiced for three years, after which he removed to Manchester, where he remained until his

death. During his long career at the bar he held many public offices. He was Clerk of the House of Representatives in 1836 and 1837. In 1838 and 1839, and 1846, 1847, 1853, 1861, 1862, 1865, 1867 and 1868, he represented Manchester in the Legislature and in 1840 was a Senator from Bennington county. In 1850 he was elected to Congress; was the Register of Probate for the Manchester district for many years and for three years the Judge of that court. He was State's Attorney of Bennington county in 1843 and 1844, and again in 1863, 1864 and 1865. In 1836 he received from Middlebury College the honorary degree of A. M. He was for many years associated in practice with Lieutenant-Governor Leonard Sargent. Mr. Miner acquired a large clientage and was exceedingly popular as a jury advocate. In 1869 there were forty-eight litigated cases set for trial by jury at the June term, in all of which Mr. Miner was engaged as counsel. His excellent personal character as a man and citizen, his amiable, kindly and honest disposition were important elements in his success. His exceptional ability and large practice should have rewarded him with a correspondingly large income and property, but he did not avail himself of his opportunities; he worked for small fees, when not gratuitously, failed to collect what he had earned, and died poor.

ABRAHAM B. GARDNER

1819-1881

Abraham B. Gardner was born at Pownal, Vt., September 2, 1819, and died at Bennington, November 23, 1881. In school he was remarkable for his close attention to study and his proficiency in every department. He prepared for college at Union Academy, Bennington, and graduated from Union College, Schenectady, N. Y., in the class of 1841. He studied law in the office of his uncle, Isaac T. Wright, of Castleton, and at the April term, 1844, of the Rutland County Court was admitted to the bar. Three years later, in Bennington county, he was admitted to the Supreme Court. He was pre-eminently a lawyer, and his success was commensurate with his energy and ability. The majority of his cases were such as demanded much legal acumen; he displayed excellent judgment and profound wisdom in their management. His dispassionate manner and the clearness and force of his arguments carried conviction. By temperament and habit he was sure to see the right side of a case, and his espousal of a cause, to those who knew him, was an assurance that he had the truth on his side. At the time of his decease Mr. Gardner was associated with the late Henry A. Harman, formerly the Clerk of the Rutland County Court, under the firm name of Gardner and Harman.

He was Register of Probate from 1848 to 1857, Bank Commissioner from 1855 to 1867; from 1860 to 1865 represented Bennington in the Legislature and for the last two years was Speaker. In 1865 and 1866 he was Lieutenant-Governor. In 1870 and 1872 he was Senator from Bennington county. Previously he held the offices of Judge Advocate General and State Prison Inspector. In 1872 he supported Horace Greeley for the presidency and was himself a candidate for Governor on the Liberal Republican ticket but was defeated. After 1872 he continued in affiliation with the Democratic party, but gave cordial support to the administration of President Hayes. He was once a candidate for Congress, but failed to get nomination. He would not consider a judgeship, although well fitted for it, because of the long and enforced absences from home which its duties made necessary.

In temperament he was kindly, tender-hearted and devoid of malice, and was charitable towards all. Bennington county bar eulogized him in appropriate resolutions for his "high attainments, unsullied life and reputation which qualified him for that distinguished leadership wherein he adorned the profession and honored the State."

JAMES K. BATCHELDER

1843-

Mr. Batchelder was born in Peru, November 10, 1843. His father, Ira K. Batchelder, was a substantial and influential citizen. He spent his active life in Peru and later moved to Townshend, where he died at the age of ninety-one years. He took a great interest in legal matters and often was called to hear cases as a Justice of the Peace. James K. Batchelder was educated in the common schools, at Burr and Burton Seminary, where he graduated in 1860, and at Middlebury College, where he graduated four years later. He studied law in the office of Judge James M. Tyler at Wilmington and Brattleboro, and in the Albany Law School, and was admitted to the bar in 1866. He settled in Arlington, where he has since resided. With the exception of a short period when he had an office in Troy, N. Y., he has always practiced in Vermont. Formerly his office was in Arlington, where he practiced alone for many years, but was for a time associated with Judge Orion M. Barber in the firm of Batchelder and Barber. About 1884 he moved his office to Bennington, where he formed a partnership with Edward L. Bates. This arrangement has continued until the present time under the firm name of Batchelder and Bates. The usual town offices have been bestowed on Mr. Batchelder, and he was State's Attorney from 1874 to 1880. He repre-

sented Arlington in the Legislature in 1874, 1876 and 1884, and at the latter session was honored with the speakership, a position which he filled with great ability. He was a Presidential Elector in 1880, at the time of the election of Garfield. In 1890-91 he was the acting president of the Vermont Bar Association and delivered the annual address; in 1908-09 he was president of the Association. In 1912 he represented Bennington county in the Vermont Senate. He acted as one of the commissioners for Vermont, under an appointment by Governor Fuller, in establishing the boundary line between this State and Massachusetts.

During the more than fifty years that Mr. Batchelder has been engaged in the practice of the law he has been employed in much important litigation and is now actively pursuing the duties of his profession. He is the last of his generation to be thus actively employed. He still tries his cases with vigor and an opponent who underrates his ability is apt to find himself and his client outdone by this veteran in the law. He is not less wise in human nature than in the law and he knows what to expect of men, an element that makes him strong in the preparation of his cases, in the examination of witnesses and in argument. His triumphs in the County Courts have been many, but his success has not been confined to this field, for he has always been recognized as an able lawyer by the Supreme Court, where he has won many important cases during his long and eventful career at the bar. He has great skill as a woodsman and has been employed extensively in running mountain lines and trying cases where boundaries have been in dispute.

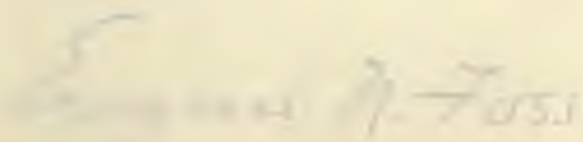
ORION M. BARBER

1857-

Judge Orion M. Barber, of Bennington, was the leader of the bar of western Vermont at the time of his appointment to the United States Court of Customs Appeals in 1910. He was born at Jamaica, July 13, 1857, and later lived at Wardsboro and Jamaica. He was educated in the common schools, at Leland and Gray Seminary, Perkins Institute, and Vermont Academy in this State, and at Bernardston Academy in Massachusetts. He graduated at the head of a small but brilliant class at Leland and Gray Seminary about 1880. Principal C. C. Boynton of that school recently told me that he was the best pupil in Greek that he had had in his fifty years of instruction. He studied law in the office of James K. Batchelder at Arlington and at the Albany Law School, and was admitted to the bar in 1882 in Vermont and New York and the same year located in Minneapolis, where

EUGENE N. FOSS

Born in West Berkshire, Vt., September 24, 1858. He was a student in the University of Vermont, 1877-1879. In 1882 he engaged in manufacturing in Boston. He is now president of the B. F. Sturtevant Company, and the Maverick Mills. He was elected to Congress at a special election held in 1910. Later in the same year he was elected Governor of Massachusetts as a Democrat and was twice reelected. In 1912 he was a candidate for the presidential nomination in the Democratic National Convention. He is a trustee of the University of Vermont, which has conferred upon him the degree of LL. D. His residence is at Jamaica Plain, Mass. In 1912 he married Lilla Sturtevant of Boston.



Eugene N. Foss

he remained until the following spring, when he returned in response to an invitation of Mr. Batchelder and formed a partnership with him in the name of Batchelder and Barber, which continued until 1888, after which time he practiced alone at Arlington until 1897, when he removed to Bennington and formed a partnership with Judge Charles H. Darling in the name of Barber and Darling, which was dissolved on the appointment of the latter as Assistant Secretary of the Navy in 1901. After the retirement of Judge Darling, Judge Barber continued the practice with the assistance of the young men who had been students in the office and had remained after their admission, Judges Holden and Healy and William J. Meagher. These men succeeded to his practice when he went to Washington in 1910. Mr. Meagher left the office to become State's Attorney and the firm of Holden and Healy was formed, which has continued until the present time. While at the bar Judge Barber held many offices. He was Superintendent of Schools at Arlington; State's Attorney, 1886-1888; member of the House from Arlington, 1892-1894; County Senator, 1894-1896; member of committee to revise statutes in 1892; chairman of committee to edit and publish statutes in 1894; Railroad Commissioner, 1896-1898; auditor of accounts, 1898-1902; chairman of special committee on taxation, 1906-1908; chairman of committee to procure digest of Vermont Reports, 1909. Since 1910 he has been Judge of the United States Court of Customs Appeals at Washington.

When he retired from practice, Judge Barber had an extensive and valuable clientage. His library was one of the best and he pursued a question of law among the books with a delight that made romance out of work. One of his students says of him: "Somehow he disguised work so that it did not seem to be work at all and there seemed to be no end to his energy or length of time which he could work without stopping. He used to tire us all out even when we worked with him in shifts." He excelled in all departments of legal work, in the trial of cases before the courts of *nisi prius* and of review, in the clear elucidation of complicated questions at the counsel table, in the giving of opinions, and in the presentation of matters before legislative committees. His written opinions and his Supreme Court briefs were among the most finished products that left his office, and he had great talent in the drafting of all kinds of legal papers. In this line of work he had rare discrimination and the utmost capacity and patience over details, and he was called on from many sources to employ his talents in this direction. Whether the work was in drawing a declaration, a bill in chancery, a trust or a contract, he was sure to have on paper its essentials expressed in language that was fitting, concise and unambiguous. He has, moreover, great influence with men and can organize and lead them as few men can do.

FRANK C. ARCHIBALD

1857-

Frank C. Archibald, of Manchester, was born at Exeter, N. H., December 31, 1857. He was educated at Middlebury High School and at Vermont Academy, and studied law with Joel C. Baker at Rutland. He was admitted in 1886 and from the date of his admission until 1888 practiced at Rutland, and since 1888 has practiced at Manchester Center. He was State's Attorney from 1892 to 1894 and again from 1914 to 1918; he was a member of the House from Manchester in 1904 and 1906; and County Senator in 1910. He was elected Attorney-General in 1918 and still holds that office. Mr. Archibald is a man of brilliant mind and he is sure to arrive at results quicker than other men with whom he is associated. This was conspicuously true of him in the Senate, where he was recognized as the leader of that body. As a trial lawyer he has few equals. His presentation of criminal cases as Attorney-General, while fair to respondents is energetic and able.

TRIAL OF JESSE AND STEPHEN BOORN

The trial and conviction of Jesse and Stephen Boorn furnishes one of the most remarkable chapters in the history of criminal procedure. The circumstances were peculiar and the results startling. The case deserves extended notice. The two respondents lived with their father, Barney Boorn, in the town of Manchester; their sister, Sally, married Russell Colvin, and they with their two children also lived in the family of Sally's father. Barney Boorn and his wife were respectable people, but the younger members of the family were wild and reckless. Colvin was weak mentally and at times insane; he had a custom of absenting himself for days at a time and once was gone for eight or nine months, though during this time he corresponded with the family. It was his custom when on these excursions to take with him his favorite boy, then a young lad, and carry him most of the way on his back. In May, 1812, during the absence of Mrs. Colvin, he suddenly disappeared; no search was made for him as the Boorns reported that he had gone on one of his customary journeys. Days, weeks, months and years rolled by and nothing was heard of the missing man. When inquiries were made as to what had become of him, ugly rumors were circulated and suspicions of foul play were freely hinted at. To add to the suspicion of something wrong it was recalled that the respondents had spoken strangely of the disappearance of Colvin, one of them having said that he knew

Colvin was dead and the other that they had put him where potatoes would not freeze. It was also known that Colvin and the Boorns had not been on good terms and had sometimes quarreled. With these circumstances in circulation the conclusion was reached by the community that Colvin had been murdered and that the Boorns were the murderers. There was, as yet, no direct proof. It was not long, however, before the links in circumstantial evidence were being formed. Some children at play near the Boorn place found a hat in a moldy, dilapidated condition, which was recognized as the hat Colvin wore at the time of his disappearance. This led to a search for the bones of the unfortunate man. At about the same time an uncle of the respondents had a dream that Russell Colvin came to his bedside and told him that he had been murdered and asked him to follow him and he would show him the spot where he was buried. This dream was repeated three times. The place of burial as described was an old cellar hole about four feet square over which a house had formerly stood and which was used at the time of Colvin's disappearance as a place for burying potatoes. About this time a barn on the Boorn place was burned and it was conjectured that the body might have been concealed under it. A boy with a dog was walking a short distance from Barney Boorn's when the animal began to dig furiously under an old stump; some dry bones were dug out, which were pronounced to be human; this circumstance greatly excited the inhabitants. Stephen Boorn had recently removed to the State of New York, but Jesse was arrested and brought before a Justice of the Peace on binding over proceedings. This was on April 27, 1819, nearly seven years after the supposed murder. This examination commenced Tuesday and lasted all the week. It was attended by a large concourse of people, and the country was scoured for evidence. The old cellar hole was reopened and a large knife, a penknife and a button were found. The large knife and button were identified as having belonged to Colvin. The bones found in the hollow stump were produced in court and four physicians were called, who, after an examination, pronounced them to be the bones of a human foot, together with some toe nails and perhaps a thumb nail. A subsequent examination on the part of the physicians, however, caused them to believe that the bones were not human. This revelation would have resulted, probably, in the discharge of Jesse and the termination of the case had he not made a statement in which he expressed the belief that Colvin had been murdered and that his brother, Stephen, was the murderer. In this connection he referred to a quarrel during which his brother struck Colvin on the back of the head with a club and fractured his skull. He stated at this time that he did not know what had become of the body, but mentioned where it might be found. The motive for this was probably an at-

tempt to save himself from the effect of the evidence which he had heard, and it added immensely to the fuel which was already in a blaze of excitement. A systematic and general search was immediately made for the remains of Colvin. Stumps were overturned, cellar holes examined and the premises near the residence of the Boorns were carefully searched, but no human remains were found. This, however, did not dampen the ardor of the people. A warrant was issued against Stephen and officers dispatched to New York with instructions to arrest him and bring him to Vermont. He was apprehended and on his way back an effort was made to induce him to confess, but he stoutly maintained his innocence both at this time and later when confronted by Jesse. The examination was continued, but no new facts were developed. Both respondents were held to await the action of the grand jury at the September term following. The father, Barney Boorn, was also charged with being an accessory to the murder, but after a severe examination, much to the indignation of the public, was discharged. The grand jury indicted both Jesse and Stephen for murder. The principal witness before the grand jury was one Silas Merrill, who was confined in the jail with the two respondents on charge of forgery. He testified to a confession made to him in jail by Jesse. Public feeling against the prisoners was intense and they were almost without exception believed to be guilty. People were allowed to visit them freely in jail and considerable pressure was brought to bear upon them to confess, as in that case it was urged that their sentence would be commuted to imprisonment for life in case they were convicted of murder. Convinced that this was their only hope, Stephen made a written confession, in which he claimed that he killed Colvin with a beech stick, after Colvin had made an assault upon him with it, and gave full details as to the disposition of the body afterwards. This coincided with the circumstantial evidence which had been previously adduced, and confirmed the story of a son of Colvin's, who claimed he saw a quarrel between his father and the Boorns the day his father disappeared, during which blows were struck.

The trial took place in the Congregational Church at Manchester, in November, 1819, before Chief Judge Chase and Judges Joel Doolittle and William Brayton of the Supreme Court. State's Attorney Sheldon prosecuted and Richard Skinner, formerly a Judge of the Supreme Court, and afterwards Governor, Wellman, and Leonard Sargent, afterwards Lieutenant-Governor, defended. The court house was entirely inadequate to accommodate the vast throng of people who desired to hear the trial and this was the reason for holding it in the house of God. The evidence against the prisoners was largely unimportant, with the exception of the confessions, which were objected to by counsel on the ground that they were not voluntary and that

they did not corroborate each other. The case was ably tried. Judge Doolittle charged the jury in relation to the law of the case and Judge Chase on the question of the bearing of the evidence. In this connection he instructed the jury that no weight should be attached to confessions incited by hope or fear and left it to the jury to determine whether the confessions were so influenced. Later rulings of the court would have excluded the confessions from the case as a matter of law, it being the province of the court to determine as to the admissibility of confessions and not that of the jury, and there was much evidence in the case that these confessions were not voluntary. Judge Chase was, however, regarded as one of the ablest jurists of his time. He was an uncle of Salmon P. Chase, Chief Justice of the United States Supreme Court.

The jury, after considering the case for an hour, returned a verdict of guilty of murder in the first degree against both respondents, a result which gave unqualified satisfaction to the crowd in attendance upon the trial. The prisoners were brought into court for sentence and on being asked if they had anything to say why the sentence of death should not be pronounced upon them both stoutly protested their innocence. They were sentenced to be executed January 28, 1820.

Notwithstanding the general feeling against the prisoners there were a few who, though they thought the prisoners guilty, yet had some sympathy for them. This resulted in a petition to the Legislature for a pardon or commutation of the sentence. Here the case was fully presented by able counsel. The result was a commutation of sentence in the case of Jesse to imprisonment for life, but no relief from the full penalty in the case of Stephen. Jesse was much elated and Stephen correspondingly depressed by the result. Stephen protested his innocence in the strongest terms and urged his counsel to make an effort by newspaper advertising to locate Colvin. But two months intervened for this purpose, and it was thought that the effect would be of no avail, for it was generally believed that Colvin was murdered. A description was, however, procured of the supposed dead man and the *Rutland Herald* published the same with a brief reference to the case in which the persons had been convicted and an inquiry as to Colvin's whereabouts, if alive. In the same issue the paper maintained editorially that there was no possibility of a doubt that Colvin had been murdered and ridiculed what it termed a foolish attempt to advertise for information concerning him. This notice was copied in the *New York Evening Post* and was read aloud in one of the hotels in New York in the presence of a former acquaintance of Colvin's who at one time lived in Manchester. Another listener, who lived in New Jersey, thought, on reflection, that a man then living with his brother-in-law in Dover, N. J., answered the

description of Colvin. This resulted in further newspaper correspondence which was brought to the attention of the people of Manchester; but they scouted all suggestions that Colvin might be living. At length Mr. Whelpby, of New York, the former resident of Manchester referred to, determined on his own account to find out the truth. He located the man in question at Dover and learned that while he had once given his name as Colvin, this he had since changed for another name. He found Colvin at work in the field and recognized him, but the latter denied all knowledge of Manchester and claimed his name was not Colvin. He then called his attention to a scar on Colvin's forehead and asked when he got it, and Colvin replied, "chopping on the mountain" for such a man, naming one of his old neighbors in Manchester. This circumstance Whelpby knew to be true. Then he gradually drew Colvin out by interesting him in former Manchester friends and getting him to relate several incidents and matters which left no doubt as to his identity. Whelpby then proposed that he go to Manchester on a visit, but Colvin utterly refused and stratagem was used to get him as far as New York. On arriving at New York, Colvin wanted to return to New Jersey, but Whelpby took him on board a boat to Troy instead of a ferry across the river. This he claimed to Colvin was a mistake on his part. When Troy was reached he was so near Manchester that he was prevailed on to proceed to Vermont. On arriving at Bennington it was found that the County Court was in session. Some one rushed into the court room and announced that Colvin was outside. This caused the court to break up in the greatest confusion and Judges, officers, lawyers and spectators rushed out to see the man whom all had believed dead and for whose supposed murder some of them had been instrumental in having the two Boorns sentenced to be hung. He was immediately recognized by all who formerly knew him. He soon left for Manchester, whither a courier had been sent to announce his coming. All along the journey crowds gathered to see him and when the stage reached Manchester a large number of people had assembled and the wildest excitement prevailed. Cannon were brought out and Stephen Boorn was taken from jail to fire the first in token of his deliverance from death. The most extravagant expressions of joy were indulged in by the people now that they found that the Boorns were innocent. On being brought into the presence of Stephen, who was in fetters, Colvin asked what these were for and was told by the prisoner that it was claimed that he murdered Colvin. Colvin answered that Stephen never hurt him, but that Jesse struck him with a briar once but did not hurt him much. Colvin's wife was presented to him, but on looking upon her he remarked "that is all over with," and would take no further notice of her. For several days large crowds came from neighboring towns to see Colvin. After remaining in

Manchester for a short time he asked to be taken back to New Jersey, which was done, and he died there a few years afterwards.

There was no doubt of the innocence of the prisoners, but they were still in custody and must be released by due process of law, so thought the officers at least. Judge Skinner wrote the Judges of the Supreme Court that Colvin was alive and in Manchester. The Judges wrote the State's Attorney that they did not believe it could be Colvin and directed the most searching examination to be made in order to guard against deception. Colvin was questioned closely by the officers; he told many incidents in which he showed he was not an impostor and was finally asked who built the tavern in which they were sitting, to which he replied: "Captain Munson, and it is all of the best oak timber, too," which was a fact. He also recognized and called by name many former acquaintances.

A few days before the execution was to have taken place the Judges met at Manchester. The case was without precedent and there were several different opinions as to what should be done. Finally it was decided that the State's Attorney should bring a petition for a new trial on the ground of newly discovered evidence, which was done, and on the petition being granted a *nolle prosequi* was entered. Thus ended one of the most remarkable cases known to the criminal law. A good many of those familiar with the case believed that the Boorns had killed Colvin, or at least that he had died from the effects of an assault made upon him. The latter theory, while accounting for the confessions in part, would not account for the story as to the disposition of the body. The fact that Stephen was the first to suggest advertising for Colvin indicates that he believed him to be still alive.

Those who believed that Colvin was really murdered and that the man who claimed to be Colvin was some one else were confirmed in their theory by a statement by Jesse, when he was later arrested in Ohio for forgery, that the man who appeared in Manchester was not Colvin and that his brother, Stephen, actually murdered him. No one who examined the proofs of the identity of Colvin, however, believed this story for a moment, and the fact seems to have been as well established as any fact can be by human evidence that Colvin was not murdered, and that it was he who was in Manchester after the conviction of the Boorns.

The confessions of the respondents were the most remarkable part of the evidence and it was these that induced the jury to convict. At the time of the trial the law did not permit respondents to testify in their own behalf, so the confessions were unexplained and uncontradicted. It is plain that the confessions were not voluntary, but were induced by promises of favor. That of Jesse was made, if we can believe it was made at all, to one Silas Merrill, a fellow prisoner, who appears to have got some favor himself after he had reported

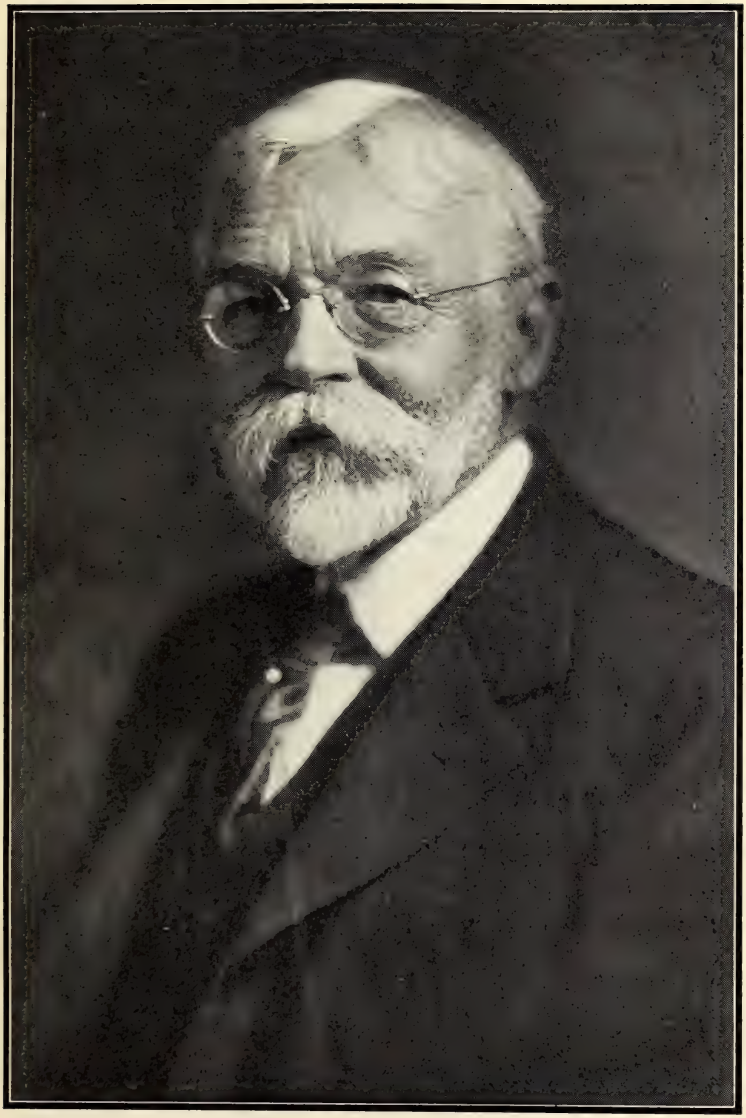
the confession to the officers. This confession, as reported by Merrill, was in substance that Stephen struck Colvin twice with a club, crushed his skull, but did not kill him; that the father of the respondents was present and assisted them in carrying Colvin to the old cellar in question, where the father cut his throat with Stephen's penknife; that they buried the body in the cellar; that eighteen months afterward the two respondents took up the body, put it in a basket and placed it under the floor in a sheep barn; that the next spring the barn burned; that they then took the bones and pounded them up and put them in a deep hole in the river; that the skull bone burned so that it crumbled to pieces, and these the father buried in a hollow birch stump near the road.

The oral confession of Stephen having been admitted, contrary to the expectation of his counsel, his written confession was offered in his behalf by Judge Skinner. It is as follows:

"May, the 10th, 1812. I, about 9 or 10 o'clock went down to David Glazier's bridge, and fished down below uncle Nathaniel Boorn's, and then went up across their farms, where Russell and Lewis were, being the nighest way, and sat down and began to talk, and Russell told me how many dollars benefit he had been to father, and I told him he was a damned fool, and he was mad and jumped up, and we sat close together, and I told him to set down you little Tory, and there was a piece of a beech limb, about two feet long, and it it up and struck at my head as I sat down, and I jumped up and it struck me on one shoulder, and I it out of his hand and struck him a back handed blow, I being on the north side of him, and there was a knot on it about one inch long. As I struck him I did think I hit him on his back, and he stooped down and that knot was broken off sharp, and it hit him on the back of the neck, close in his hair, and it went in about half of an inch in that great cord, and he fell down, and then I told the boy to go down and come up with his uncle John, and he asked me if I had killed Russell, and I told him no, but he must not tell that we struck one another. And I told him when he got away down, Russell was gone away, and I went back and he was dead, and then I went and took him and put him in the corner of the fence by the cellar hole, and put briars over him and went home and went down to the barn and got some boards, and when it was dark I went down and took a hoe and boards, and dug a grave as well as I could and took out of his pocket a little barlow knife, with about half of a blade, and cut some bushes and put on his face and the boards, and put in the grave, and put him in four boards on the bottom and on the top, and t'other two on the sides, and then covered him up and went home crying along, but I want afraid as I know of. And when I lived at Wm. Boorn's I planted some potatoes, and when I dug them I went there and some-

GEORGE W. BROWN

Born in Northfield, Vt., August 30, 1841, being the son of Isaac W. and Sylvia (Partridge) Brown and a descendant of Jonathan Brown, taken captive by the Indians at the burning of Royalton. He was educated at the Orange County Grammar School, the Northfield Academy and Newbury Seminary. He began his business career as a timekeeper in the Central Vermont shops at St. Albans, 1859-65. Later he engaged in business for himself in St. Albans in the firms of Hyde and Brown and McGowan and Brown, 1865-69. He held the office of Auditor of Motive Power on the Central Pacific Railroad, 1869-70. Returning East, he established sewing machine agencies, 1871-76, and became manager of the Wheeler and Wilson Manufacturing Company, 1876-92. He was manager and treasurer of lasting machines companies, 1892-99; manager and treasurer of the United Shoe Machinery Company, 1899-1910, and since 1910 its vice-president. He is a director of the First National Bank of Boston and a vice-president and director of the New England Conservatory of Music. He gave a public library to Northfield. He married Addie E. Perkins of St. Albans, who died in 1900.



George W. Brown

thing, I thought, had been there, and I took up his bones and put them in a basket, and took the boards and put on my potato hole, and when it was night, took the basket and my hoe and went down and pulled a plank in the stable floor, and then dug a hole, and then carried him up, and went in the house and told them I had done with the basket, and took back the shovel, and up my potatoes that evening, and then when I and in the west mountain, Lewis came and told me that father's barn was burned up, the next day or the next day but one, I came down and went to the barn and there were a few bones, and when they were at dinner I told them I did not want my dinner, and went and took them, and there were only a few of the biggest of the bones, and throwed them in the river above Wyman's, and then went back, and it was done quick, too, and then was hungry by that time, and then went home, and the next Sunday I came down after money to pay the boot that I gave oxen, and went out there and scraped up them little things that were under the stump there, and told them I was going out fishing, and went, and there was a hole, and I dropped them in and kicked the stuff, and that is the first any body knew it, either friends or foes, even my wife. All these I acknowledge before the world.

STEPHEN BOORN,

Manchester, Aug. 27, 1819."

The case has been many times cited as a warning against circumstantial evidence and in favor of the strongest proof in criminal prosecutions. It is apparent that the court erred in admitting the confessions, and it was unfortunate that the respondents could not testify in their own behalf. Some progress has been made in the trial of criminal cases, for respondents can now testify if they desire and it is not likely that another case will arise where the law will carry so near to death's door those who are innocent of crime.

PRESENT MEMBERS OF THE BENNINGTON COUNTY BAR

Ernest D. Barber, of Bennington, was born at Bennington, March 12, 1878. He was educated in the graded and high schools of Bennington and studied law with Batchelder and Bates at the same place and was admitted in 1905. He has practiced at Bennington since his admission. He has held the offices of School District Clerk, Justice of the Peace, and corporation attorney for the village of Bennington.

Edward L. Bates, of Bennington, was born at Bennington, January 24, 1859. He was educated in the public schools of the village of Bennington and at Kimball Union Academy at Meriden, N. H.

He studied law with Gardner and Harman and with John V. Hall at Bennington, and was admitted in 1882. He has been in practice at the latter place since his admission and for much of the time with James K. Batchelder. He has held the office of Deputy County Clerk, Village Clerk, was State's Attorney from 1884 to 1898 with the exception of two years; special prosecutor from 1890 to 1894; attorney of the village of Bennington from 1893 to 1898; Colonel on the staff of Governor Fuller in 1892; Judge Advocate General from 1894 to 1900; Bennington Municipal Judge, 1902 to 1908.

Edward C. Bennett, of Bennington, was born at Bennington, September 5, 1873. He was educated in the Bennington graded and high schools, and at Norwich University, where he graduated in 1893. He studied law at Boston University, taking a special course, and with Barber and Darling at Bennington. He was admitted in 1900 and has since practiced at Bennington. He was Deputy State Auditor, 1898-1902; Judge of Probate, district of Bennington, since 1917.

Henry Chase, of Bennington, was born at Logansport, Ind., November 1, 1868. He was educated in the public and high schools of this place, and studied law with his father, Judge G. H. Chase, there. He afterwards studied with Batchelder and Bates at Bennington, was admitted to the bar in 1914, and has since practiced here. He was County Fish and Game Warden from 1905 to 1911, and has been village attorney since 1918. He was elected a member of the House of Representatives in 1920.

William B. Edgerton, of Manchester, was born at Danby, November 14, 1867, and was educated in the common schools and at Burr and Burton Seminary, where he graduated in 1888. He studied law in the office of Martin and Archibald at Manchester and was admitted in 1893. He was School Director, 1895-1920; Register of Probate, 1894-1898; Judge of Probate, 1898-1910. He has practiced at Manchester since his admission.

Joseph W. Fowler, of Manchester, was born at Manchester, May 15, 1857, and was educated at Burr and Burton Seminary and at Bingham's Military Academy, North Carolina. He studied law in the office of his father, H. K. Fowler, at Manchester, and was admitted in 1879. He has practiced at Manchester since admission and has held all town offices; he was a member of the House in 1902 and of the Senate in 1904.

Collins M. Graves, of Bennington, was born at Bennington, November 7, 1871. He was educated at the Bennington graded school,

the Vermont Academy, and Brown University. He studied law in the office of Barber and Darling at Bennington, and was admitted in 1904. He has practiced at Bennington, which he represented in the House in 1904. He was Postmaster of Bennington from 1906 to 1914; legislative draftsman, 1914-1919; delegate to the Republican National Convention, 1916; State's Attorney, 1919-1921. He was the Prohibition Enforcement Agent for the State of Vermont, with headquarters at Rutland, 1921-22.

Edward Griffith, of Manchester, was born at East Dorset, January 7, 1871. He was educated at Burr and Burton Seminary, where he graduated in 1889, at Dartmouth College, where he graduated in 1893, and at the New York Law School, where he graduated in 1896. He studied law with Philip Carpenter in New York and was admitted in that State in 1896 and in Vermont in 1909. He practiced in New York from 1896 to 1900, and in Manchester from 1909 to date. He has been Judge of Probate for the district of Manchester since 1910.

Edward H. Holden, of Bennington, was born at Manchester, April 7, 1872. He was educated in the common schools of Arlington and at Burr and Burton Seminary, and studied law in the office of Judge Orion M. Barber at Arlington and with Barber and Darling at Bennington. He was admitted in 1889 and practiced from 1900 to 1902 at Manchester Center and since 1902 has practiced at Bennington. He has been Deputy County Clerk since 1897, was Municipal Judge of Bennington from 1908 to 1918; president of Bennington village, 1917-1918; village attorney since 1912.

George F. Lawrence, of Manchester, was born at Manchester, July 3, 1882, and was educated at Burr and Burton Seminary. He studied law with Frank C. Archibald and at the Albany Law School, where he graduated in 1905. He was admitted to the bar in Vermont in 1906 and to the bar of New York in 1908. He practiced at Manchester until 1907 and in New York from 1907 to 1911. Since 1911 he has resided at Manchester, where he has been engaged principally in selling real estate.

Reuben Levin, of Manchester Depot, was born at Bennington, June 8, 1896. He was educated at the Bennington High School, at Cornell University, and at the University of Maine. He studied law at the last named institution and at Cornell, where he took a course on torts. He was admitted to the bar in Maine in 1918 and in Vermont in 1919. He practiced at Bangor for a year and since his admission in Vermont has practiced in Manchester.

Charles H. Mason, of Bennington, was born at Royalton, March 3, 1856. He was educated in the common schools and at the State Normal School at Randolph, and at Royalton Academy. He studied law in the office of Nelson L. Boyden at Randolph, in the office of William E. Johnson at Woodstock, and in the office of Dudley C. Denison at Royalton. He was admitted in 1883 and has practiced at Bennington since his admission. He was Judge of Bennington Municipal Court, 1886 to 1888; village attorney, 1884-1886; State's Attorney, 1891-1892.

George A Mathers, of Bennington, was born at Bennington, December 11, 1887, and received his education at the Bennington High School and at Cornell University, where he graduated in 1909. He studied law at the College of Law at Cornell and was admitted to the bar of New York in 1911 and to the bar of Vermont in 1914. He practiced at Troy, N. Y., from 1911 to 1915 and has since practiced at Bennington. He is State's Attorney of Bennington county.

Charles A. Maurer, of Bennington, was born at Walloomsac, N. Y., November 2, 1869, and was educated at the Bennington graded schools. He studied law at the Albany Law School, where he graduated in 1894, and with Charles H. Mason at Bennington. He was admitted in 1895 and has since practiced at Bennington. He was corporation attorney for four years and has been Referee in Bankruptcy since 1916.

William J. Meagher, of Bennington, was born at Bennington, August 3, 1876, and was educated in the Bennington graded and high schools. He studied law in the office of Barber and Darling at Bennington and was admitted in 1900. He has practiced at Bennington since his admission and has held the following offices: corporation counsel; State's Attorney, 1906-1914; Judge of Municipal Court since 1919.

John V. D. S. Merrill, of Bennington, was born at Bennington, August 25, 1844, and was educated in the private and public schools of that place and at Mount Anthony Seminary. He studied law with Batchelder and Bates at Bennington and was admitted in 1899. He has since practiced at Bennington. In conjunction with Mrs. Merrill, Mr. Merrill wrote "Sketches of Historic Bennington," four editions of which have been published and sold.

Jacob J. Shackshober, of Bennington, was born at Arlington, May 6, 1865. He was educated in the common schools and studied law with Judge Orion M. Barber at Arlington and at the Albany Law

School. He was admitted in 1896 and practiced at Arlington from the time of his admission until 1907, when he removed to Bennington, having been appointed County Clerk. He was Superintendent of Schools, Auditor, and Town Agent in Arlington; he was State's Attorney, 1900-1904; and has been County Clerk since July, 1907.

William B. Sheldon, of Bennington, was born at East Dorset, June 15, 1842, and was educated by private tutors and in the public schools at Factory Point and Dorset, and at Burr and Burton Seminary, where he graduated in 1859. He studied law with Ahiman L. Miner and with Burton and Munson at Manchester and at the Albany Law School, and was admitted in New York and Vermont in 1872. He has practiced since his admission at Bennington. He was Register of Probate for the Bennington district, 1874-1876, and also made the records for this court for the sixteen years previous under an act of the Legislature; State's Attorney, 1876-1878; Moderator and law agent of the town of Bennington for many years; Moderator of the Bennington graded school district since 1897; Referee in Bankruptcy, 1903-1909.

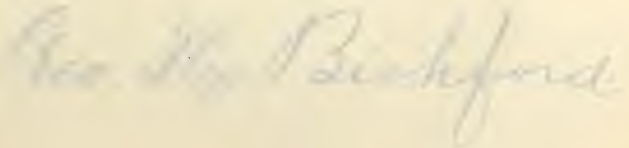
CALEDONIA COUNTY

IN 1781 the northeastern part of the State was set off as Orange county, with Newbury as the shire. In 1792 all north of the present county of Orange was incorporated as Caledonia, the old Roman name of Scotland, the birthplace of many of the settlers. In 1798 Orleans and Essex counties were taken from Caledonia. In 1811 four towns, and later, two more were annexed to Washington county, leaving the seventeen towns that now constitute the county of Caledonia. In 1796, when the county was organized, Danville was made the shire and remained such for sixty years. The first court house was erected upon the corner of the streets northwest of the common. It was built of wood and contained a large room for the court and two smaller ones for the jury and attorneys. It was in process of construction as early as 1797 and was not finished in 1801. Some years prior to 1855 the building was moved back some distance and was raised up, thus giving room on the ground floor for a town hall, and pillars were added to the front. The first jail was built in 1799. It was made of logs, hewn square and matched at the ends so as to interlock with each other, and pinned together. The second jail, which was built by subscription, was made of immense granite stones, some of them twenty feet in length, quarried at Danville. These were hewn and dowelled together. The notorious counterfeiter, "Bristol Bill," was confined here awaiting trial. The authorities in Boston, who were interested in his conviction, sent an officer to Danville with the purpose of having the prisoner taken to Boston for safe keeping, but finding the jail secure he returned and reported that he was safer in the Danville jail than he would be in Boston. During the trial of his case at Danville the prisoner made an attack on Bliss N. Davis, the State's Attorney, with a case knife, stabbing him in the throat and barely missing taking his life, as more fully appears in the sketch of Mr. Davis. In 1838 the court ordered a picket post fence constructed around the jail. Accordingly, a solid fence ten or twelve feet high, built of plank, each sharpened at the top, was erected around the jail. In 1842 land was purchased on which to erect a building for the County Clerk's office and his records. This was made of brick and was built just west of the court house. After the removal of the shire to St. Johnsbury it served as a library until the great fire on May 9, 1889, when, with the court house, it was burned.

The building of the Passumpsic Railroad made St. Johnsbury the business center of the county and the most suitable and convenient place for holding the courts. The question of a change from Danville to the larger town was under discussion for many years preceding 1855. In the latter year, by an act of the Legislature, a committee

GEORGE H. BICKFORD

Born in Barton, Vt., October 10, 1868, being the son of a Methodist clergyman. He attended the public schools at Keene, N. H., Montpelier (Vt.) Seminary, and entering Wesleyan University, he graduated with honor in 1891. He won every oratorial prize offered in his seminary and college career and was a notable football player. After graduation he became an instructor in Haverford College, Haverford, Pa. In 1898 he went to Hardwick, Vt., as a partner in the granite firm of Bickford, More and Company. The Woodbury Granite Company was soon organized to take over the business of the first-named company, with Mr. Bickford as general manager and treasurer. In fifteen years the business, under his capable management, grew from one quarry, a single handpower derrick and a payroll of six men, to four quarries, three granite plants, a payroll of 1,300 men and setting crews working in a dozen cities. He had secured contracts for State capitols and other great public edifices and had made Hardwick the center of the building granite trade of the world. Mr. Bickford was president of the Granite Trust Company, treasurer of the Hardwick and Woodbury Railroad Company and the Gaysville Electric Light and Power Company. He was also a member of the executive committee of the Vermont State Bankers' Association, the Granite Manufacturers' Association and the Greater Vermont Association and alumni trustee of Wesleyan University. Mr. Bickford was an eloquent public speaker and was interested in public affairs. On October 9, 1894, he married Alice Holden of Bennington. Four children were born to them, George F., Holden B., Beatrice and John, the two last-named dying while young. Mr. Bickford died June 3, 1914.



Geo. H. Bichford.

of three disinterested persons was appointed to examine and select the best location between Barnet and Lyndon for the court house and other county buildings. The committee consisted of Thomas Reed of Montpelier, Judge Hebard of Chelsea, and John Pierpoint of Vergennes. At a meeting held at St. Johnsbury in November of that year the several claims of Lyndon, Barnet and St. Johnsbury were urged by able counsel before the committee. The result was the selection of St. Johnsbury for the shire. The bill authorizing the change of shire directed the county Judges to purchase suitable grounds and make contracts for the erection of the buildings. The old burial ground was immediately purchased, from which all the bodies had been removed in anticipation of the event. Questions as to the title having arisen, a bond in the sum of ten thousand dollars was given the Judges by citizens whose aggregate wealth was over half a million dollars, conditioned for the quiet enjoyment and possession of the premises. The court house, as originally planned, was to cost thirteen thousand dollars, but to secure better architectural features individuals subscribed an additional sum of one thousand two hundred dollars. The building erected is of brick with brown stone trimmings in Italian style. It fronts on Main Street 96 feet and encloses a court room 52 x 57 feet on the second floor and a town hall 52 x 65 feet on the first floor, with requisite rooms on the first floor for the Judge of Probate and County Clerk and on the second floor for lawyers and jury. The town paid about two-fifths of the cost of construction and the county the balance. Thirty-three years later important improvements were made on the interior and in an annex on the east side a commodious vault was installed at an expense of ten thousand dollars. This work was done under direction of the late Jonathan Ross. The original building was completed in season to accommodate the court at the December term, 1856, at which Judge Poland presided. The first county jail was constructed on Cherry Street. It was a substantial building, well suited in its time for keeping in custody those who transgressed the law. This became inadequate in course of time for the needs of the county and the present brick buildings were erected near the old jail.

The County Courts are held in Caledonia on the first Tuesdays of June and December.

JAMES BELL

1776-1852

James Bell was born at Lyme, N. H., December, 1776, and died at Walden, April 17, 1852. He was made a lawyer by necessity. Becoming personally involved in protracted litigation he became too

poor to employ counsel and was obliged to defend himself and plead his own cause, and in so doing displayed such wit and eloquence that he was more than a match for his legal antagonist whom he drove from the field. He located in Walden in 1804 or 1805 and began in 1810 to settle the farm where he lived thereafter. He practiced law for several years before being admitted to the bar and later was admitted in Caledonia county. In 1815 he was elected to the Legislature; he was again elected in 1818, and for ten successive years thereafter. He was chosen a member of the Council of Censors in 1848, which was the last public service in which he was engaged. Coming to the bar at a time when a remarkable array of men of first talents were engaged in the practice, he became the peer of any of them, and in mother wit surpassed them all. He had an immense, persuasive influence with the jury; his sympathies were strong and he was sure to hit upon the point that would sway them. His client's wrongs were his own and he defended him with a zeal and enthusiasm that never flagged. One of his last appearances in court, perhaps his last, was at the December term of the Orleans County Court, 1847, when he defended Mrs. Hannah Bell for the murder of her own child. Stoddard B. Colby, who was present, says of the argument: "I have never heard nor felt a deeper pathos than the tones of his voice bore to the heart, as he stood up in the dignity of old age, his tall, majestic form overleaning all the modern members of the bar, tremulous slightly with emotions that seemed thronging up from the long past, as the old advocate yielded for a moment to the effect of early associations and introduced himself and his fallen brethren, whom his eye missed from their wonted seats as it glanced along the vacant places among the bar. He said:

"'*May it please Your Honor and Gentlemen of the Jury:*

"'I stood among giants, though not of them. Fletcher, the untiring and laborious counselor, the persuasive advocate, the unyielding combatant, is where? Eternity echoes, here! Cushman, the courtly and eloquent lawyer, the kind and feeling man, the polished and social companion and friend, where now is he? The world unseen alone can say.

"'Mattocks lives, thank God, but is withdrawn from professional toil, from the clash of mind on mind, the combat of intellect and wit, the flashing humor and grave debates of the court room, to the graceful retreat of domestic life. I am alone, an old tree, stripped of its foliage, and tottering beneath the rude storms of seventy winters; but lately prostrate at the verge of the grave I thought my race was run; never again did I expect to be heard in the defence of an unfortunate accused, but heaven has spared me, another monument of its mercy, and I rejoice in the opportunity of uttering, perhaps, my

last public breath in defence of the poor, weak, imbecile prisoner at the bar.

" 'Gentlemen, she is a mother, she is charged with murder of her own child, arrayed here a friendless stranger; she is without means to reward counsel, and has not the intelligence, as I have the sorry occasion to know, to dictate to her counsel a single fact relating to her case. I have come to her defence without hope of reward, for she has nothing to give but thick, dark poverty, and of that, too, I have had more than enough. But it gives me pleasure to say that the stringent hardships of her case have won her friends among strangers and the warm sympathies which have been extended to my client, and the ready and useful aid I have received during this protracted trial, from various members of the bar, strongly indicate the great hearts and good minds of my departed brothers have left their influence upon these, their successors.' " This remarkable appeal was undoubtedly successful. It is a splendid example of the oratory of the olden day in the court room, a style of speaking unhappily that has passed in the rush and hurry of today, but which could be studied and practiced with profit by the modern advocate. It was characteristic of the man and it called forth from one of his colleagues, John Mattocks, an equally characteristic tribute which deserves to be preserved:

"Peacham, January 16, 1847.

"Brother Bell:—In the *Watchman* I have just seen a specimen of your speech in the murder case. It is worthy of being inserted in the next edition of 'Elegant Extracts in Prose.' Sir, you are the last of the Mohicans and the greatest, and when you die (which I fear will be soon, for from the moment I hear of your effort in the cause of humanity it was all but a superhuman brightening before death) the tribe will be extinct. You have justly called our two lamented friends giants, and with the discrimination of a reviewer, have given to each the distinguishing traits of excellence; and although your introducing me with them was gratuitous, it was kind, and the traits you have given me I owe to your generosity. You say: 'I was not of them'; this was fiction, used in an unlawyerlike manner to prevent self-commendation, unless, indeed, you meant as Paul might have said, that *he* was not of the prophets, because he was a head and shoulders above them. I am proud that you have sustained and surpassed the old school of lawyers. Sir, you are the *nestor* of the bar, and may be truly called the 'Old Man Eloquent.'

"I am, sir, with the greatest respect,

"Your friend and humble servant,

"JOHN MATTOCKS.

"N. B. I reserve the all-important part of the letter to stand by itself. Let us hold fast to our hope in Christ. We near the brink."

JOHN MATTOCKS

1777-1847

The sketch of John Mattocks appears among the Judges, but as he served but briefly in the capacity of a Judge, and the judgment of lawyers accords to him the position of leadership at the bar in the northeastern counties of the State during nearly half a century, it is in place to mention him in this chapter. His father was Samuel Mattocks, one of the early pioneers from Connecticut to settle in Tinmouth. He was State Treasurer and one of the Judges of the Rutland County Court. His daughter, Rebecca, married Samuel Miller of Middlebury, and before the college was established in the latter town young Mattocks began the study of law in the office of his brother-in-law. He completed his studies with Bates Turner at Fairfield and was the first lawyer to be admitted to the bar in Franklin county. The same year, 1797, he opened an office in Danville, but removed to Peacham a year later, where he practiced for almost fifty years, and in the meantime held nearly all the public offices within the gift of his constituents. By his brilliant talents, cordial manners, and manly bearing he won the esteem and respect of his fellow men. He met with marked success from the first and soon found himself in the front rank of his profession. His practice extended from Caledonia into Orleans and Essex, which then made a part of the circuit of most of the early lawyers of the three upper counties. Those counties, although set off from Orange in 1797, were not organized until later—Caledonia in 1799, and Orleans and Essex in 1800. He was the first lawyer to settle within the area of these counties and was followed soon after by William A. Griswold and William Mattocks in Danville in 1798 and Samuel Prentiss in Montpelier, then part of Caledonia, in 1800; General Seth Cushman in Guildhall about the same time; by William Baxter in Brownington in 1801, and by Joshua Sawyer in Hyde Park in 1810, to be followed some years later by such lawyers as Isaac Fletcher, Ephraim Paddock and James Bell. During the early part of the preceding century the lawyers of these three counties were second to none in the State, and among the brilliant array Mattocks stood at the head. If he lacked the graceful style and courtly bearing of Cushman, the exaltation and simple pathos of Bell, the legal knowledge and persistent energy of Fletcher, or the astute learning of Paddock, yet in the general scope and variety of qualities that go to make up a great lawyer he excelled them all. While some of these leading lawyers moved away, four of them remained for a long time foremost in the trial of causes in those upper counties: Cushman, Bell, Fletcher and Mattocks. These, by general consent, were extraordinary men. Each differed from the other, but all were of exceptional intelligence, gen-

erous impulses and uncommon force. They were rightly called the giants of the bar. Although often matched against each other in trials where many a hard knock was given, they maintained a personal friendship that was never interrupted.

GENERAL ISAAC FLETCHER

1784-1842

Isaac Fletcher was born at Dunstable, Mass., November 22, 1784. He commenced fitting for college in 1803 and entered Dartmouth in 1804, where he maintained a high standing for scholarship and was elected to the *Phi Beta Kappa* society his junior year. After leaving college he taught in the academy at Chesterfield, N. H.; studied law with Prescott and Dunbar at Keene, N. H., and was admitted to the bar of the County Court at Newfane, Vt., at the December term, 1811. In 1812 he opened an office at Lyndon, where he continued to devote himself to the business and study of his profession till near the close of his life. He very soon commanded an extensive practice in the three northeastern counties, which he maintained without abatement and with increasing popularity till about the time of his election to Congress, when he wholly abandoned all professional undertakings. This occurred in 1836; he was re-elected in 1838 and served two full terms. His duties here he discharged with general acceptance. About 1823 he was for a number of successive elections the member of the House of Representatives from Lyndon, and at the time of his retiring from that body its Speaker. He was military aide to His Excellency, Richard Skinner, during his term of office, and for many years Adjutant and Inspector-General of the Vermont militia. In this capacity he was in attendance upon His Excellency, C. P. Van Ness, during the visit of the venerable Lafayette to Vermont.

It was as a lawyer that General Fletcher excelled. He discharged his official duties well and his addresses on many public occasions met with considerable favor, but his work at the bar was what gained him distinction. Here his learning, great love of method and surprising industry made him the peer of the great men who traveled the northern circuit with him from his advent into the profession until his election to Congress. He died October 19, 1842, leaving behind a very enviable professional reputation.

BLISS N. DAVIS

1802-1885

Bliss N. Davis died at Danville, February 11, 1885, at the age of eighty-three years. He had been a leading citizen of Danville and a prominent lawyer since 1850. He was State's Attorney in 1850

and State Senator in 1858-59. For twenty-five years he was a director of the Caledonia Bank and for several years its president. While he lacked the polish which is given by a classical education, his endowment of common sense and the skill with which he made use of it made him a formidable opponent in debate. He is best known to fame on account of his prosecution, in 1850, of "Bristol Bill" and Meadow, two celebrated counterfeiters, who were indicted, tried and convicted in the County Court at Danville. The respondents were vigorously and ably defended by two Boston lawyers. A recess followed the verdict of the jury before the respondents were called into court to receive sentence. When the court assembled they were brought in with shackles on their legs, but with hands free. Judge Poland, the presiding Judge, imposed sentence of ten years' imprisonment in State Prison. Following this, and while Mr. Davis was speaking with Meadow, "Bristol Bill" suddenly plunged a sharp, pointed case knife into Mr. Davis' neck which barely missed the jugular vein. It was at first supposed that the wound was mortal, but a rapid recovery followed and Mr. Davis was a vigorous and useful man for thirty-five years. After the prisoner had been secured and the court had adjourned, Judge Poland went at once to the room of Mr. Davis and as he entered the latter said: "I am not dead yet, Judge, and you and I will live to punish a good many rascals yet."

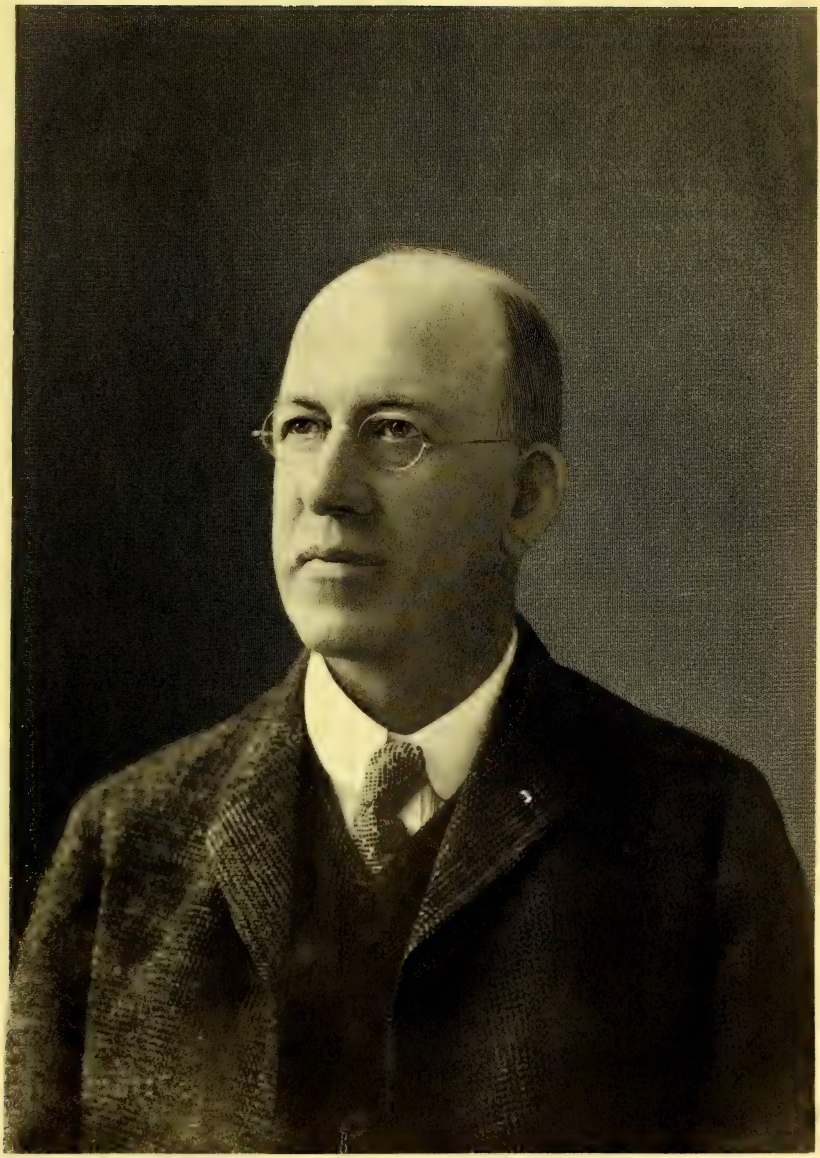
THOMAS BARTLETT, JR.

1810-1876

The lawyers of a generation ago were eloquent in their praise of Thomas Bartlett, Jr., of Lyndon. He must have been a very eloquent, ingenious, and remarkable man. He was born in Burke, June 18, 1810, and died at Lyndon, September 12, 1876. He was the son of Thomas Bartlett of Plymouth, Mass., who was one of the first settlers of Burke. In this place Thomas Jr. received a common school education, and he later studied law with George C. Cahoon and with Isaac Fletcher, both at Lyndon, and was admitted to the bar in 1835. He served as State's Attorney of his county in 1839, 1841 and 1842. He was a member of the Vermont Senate in 1841, 1842 and 1843, represented Lyndon in the General Assembly in 1850, 1854 and 1855, and was a member of Congress from 1851 to 1853. The foregoing dates compass the public offices that he held, but they give little idea of the man and the influence that he exerted, the sympathy and admiration that the public cherished for him, and the hold which he had on his acquaintances. He was of singular and impressive appearance, six feet or more in height, with a palsied arm and leg, occasioned by

JAMES M. BOUTWELL

Born in Montpelier, Vt., May 16, 1856. He studied in the public schools and at Goddard Seminary at Barre. While only a lad he entered a machine shop. When the Montpelier and Wells River Railroad was opened, he secured a position as fireman, and at the age of eighteen he was running an engine, in which capacity he became famous for his skill. He was given charge of building a railroad to the Barre granite quarries. He accepted the position of manager of a small granite quarry that had not been prosperous and was successful in the enterprise. Five years later he purchased the quarry. The business grew, an area of dark Barre granite was acquired, and the firm of Boutwell, Milne and Varnum was formed. This has developed into one of the largest and most famous granite firms of the world. Mr. Boutwell is a man of most unusual energy and capacity. He has served several terms as Mayor of Montpelier. In 1880 he married Jennie E. Ramsey of Wells River.



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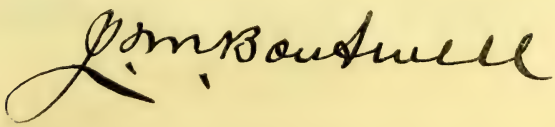


overexertion and exposure on the farm. This deformity made it difficult for him to rise from his chair and to stand while speaking and gave him a halting walk. But instead of suffering from his infirmity he profited by it, for it commanded charity and respect. His massive form, powerful voice, and true eloquence stood out the more vividly against his physical weakness. He had unusual gifts as a public speaker and rose rapidly in favor as a jury advocate, but was not as happy in his efforts in the Legislature of the State or in Congress. He lacked the initiative and learning to become a leader in the national House. He made some good speeches, however, in both bodies, but in the latter place he met his downfall at the hands of Mr. Polk of Tennessee. It came about in this fashion: On a certain Fourth of July he had attempted to deliver an oration at St. Johnsbury which was interrupted and finally suppressed by the hoots and horns of a crowd of riotous Dartmouth students. Instead of keeping silence under the unpardonable treatment—in which he would have had the sympathy of the public—he wrote an ill-judged letter of remonstrance, which drew forth in turn a cruelly clever reply from the culprits in which all of Mr. Bartlett's peculiarities were exposed, burlesqued, and made ridiculous. A copy of this production was laid on the desk of every member of Congress and was intended for Mr. Bartlett's humiliation should he attempt to speak. The occasion came when he rose to endorse a proposition which had just been vigorously attacked. He began: "Sir, were it not for the rules of the House I would pour upon the opponents of this measure the vials of my wrath." He got no further, for Mr. Polk was upon his feet in a moment, moving with every appearance of eager interest, "that the rules be suspended and the gentleman allowed to pour." There was but one thing to do in the face of the mortifying laughter that followed and that was for the speaker to subside into silence and his seat. Such an experience was not easy to be recovered from and it was natural that Mr. Bartlett should soon return to his old forum in Caledonia county. The extravagance of his style was better suited to the court room than to the halls of Congress. In court his style of speaking was almost a wonder. It was replete with unexpected pictures and striking illustrations, racy and filled with bursts of thrilling eloquence. He was prosecuting a traveling circus that held itself out as Sears & Co.'s Circus. The action was for negligently putting up seats that fell and injured the plaintiff. The defence was that the circus belonged to a Mr. Faxon of Liverpool, and that he alone was responsible. Said the advocate: "Gentlemen, I have a dog, and a mean cur he is, too. He comes when I whistle. He goes when I say 'ste-boy.' He follows me whereever I go. 'T. Bartlett' is marked on his collar. I am out with him on a day, and he ravenously attacks my neighbor's sheep. I am called on for damages. I reply:

'Sir, my name is on the collar of that cur. He goes when I say 'steboy,' comes when I whistle, follows me and is under my direction entirely, but I can't pay you; that dog belongs to Mr. Faxon of Liverpool.'" It hardly needs saying that the defence was overwhelmed and the verdict won. In another case he took the part of a poor widow, whom two rich plaintiffs had got involved in legal trouble. He came into the case to assist a young attorney. In conclusion he said: "I am here at the solicitation of my young brother without script and without price. I told him I would charge nothing. I reconsider. I will charge and I ask him here and now to promise to discharge the obligation. When my now shattered form shall be laid in the tomb, my lips sealed with death, my voice silent in the grave, my wife set upon by legal robbers, and he is standing by, with ripened experience and a warm heart, I ask him to walk as boldly to her defence and with as pitying a heart as I have come out to the defence of this poor woman." Then lifting up his palsied arm with the hand of the other, and turning to his young associate, he added with terrible emphasis: "Will you do it?" The eyes of his listeners were dimmed and there was no noise in the court room.

He had a faculty of sudden transition from stirring passages to the quiet, deliberate, pathetic style of speaking. In a moment the whole man—voice, mode, attitude—would be changed, and that, too, without any unpleasant sensation to the listener. He was very adroit and exhibited great courage in turning a tide of sentiment when he saw it setting against his client.

In a trial in which the party claimed he did not have time to get off the crossing and thus avoid a collision, not having over two minutes in which to do so, Mr. Bartlett suddenly stopped in his argument and looked at the clock. His impressive manner having produced breathless silence, he addressed the clock, saying: "Tell me, thou ingenious chronicler of time, how long will you be in telling us two minutes?" He then commenced moving his hand to and fro in correspondence with the sound of the seconds, and counting them for two minutes. It was the longest two minutes that his opponent ever listened to and the jury were convinced that there was time enough to have escaped from danger.

He had a client whose village residence had been nearly ruined by the erection by a railroad company of an embankment nearby. The company proposed to settle on the basis of the land taken. Mr. Bartlett answered their argument in this way: "Gentlemen, I have a nice broadcloth coat. It cost me one hundred dollars. The cloth was five dollars per yard. The company sends his agent and he cuts one-fifth of a yard out of the part most prominent to view, and the company say: 'Mr. Bartlett, you have been damaged for my convenience

and ought to be paid for it, and by heaven, you shall be. Here is one dollar—every cent the cloth cost.'"

Mr. Bartlett was remarkable in the spontaneity of his nature, his vivid imagination, warm social qualities, generous sympathies, tender-heartedness, and lion-like make-up mentally and physically.

The late George N. Dale, of Island Pond, an experienced biographer and a man of remarkable discrimination, says of Mr. Bartlett, that his life created interesting incidents enough to fill a volume, and he ventures the judgment that the variety and style of his oratory were seldom equalled. He says in closing a tribute to him: "His personal influence was great, his presence warm, impressive and enlivening, and the impress of his absence correspondingly deep. The sun never set on a sadder day to his immediate personal friends than that on which he died, nor did eternal night ever close down upon a life which was succeeded by a more lonely stillness."

Albro F. Nichols, the long-time Clerk of the Caledonia County Court, who has seen the men at the bar come and go for the past fifty years in the northeastern counties of Vermont, says of him: "He was a natural orator, an advocate against whose resistless powers of eloquence few could stand. It never has been my lot to know a man possessed of so wonderful a power of illustration and aptness of anecdote in explanation of argument as that possessed by Thomas Bartlett."

HENRY C. BATES

1843-1909

One of the best trial lawyers that northeastern Vermont has produced was Henry C. Bates, who was born at Derby, January 29, 1843, but spent the most active part of his professional career at St. Johnsbury. Brought up to labor on the farm, he attended the common schools and later the academy at Derby. He then taught in the common schools and the Essex County Grammar School, read law in the office of Edwards and Dickerman, and in December, 1866, was admitted to the bar in Orleans county. He served in Company C, Fourth Massachusetts Heavy Artillery, in the Rebellion. He first located at Wheelock and later at West Concord and Guildhall. At the latter place he remained until 1873, when he formed a partnership with O. S. Burk at St. Johnsbury. He practiced at St. Johnsbury as a member of the above firm until it was dissolved by Mr. Burk's death in September, 1876. He remained alone in practice until 1882, conducting a large and increasing business, when he became the senior partner in the firm of Bates and May. In 1870 he served as

census enumerator for Essex county, from 1880 to 1882 as State's Attorney of Caledonia county, and from 1892 to 1894 as County Senator. In 1898-1900 he was Lieutenant-Governor. In 1901 he was appointed by the Philippine Commission, of which his townsman, Henry C. Ide, was a member, a trial Judge at Iloilo on the Island of Panay, a position which he held until the summer of 1907, when he resigned. He died at Berkeley, Calif., in April, 1909. Judge Bates belonged to the common people, to whom his warm heart went out in tender sympathy. He commanded the confidence of jurors in an unusual degree. The law of the case was well understood by him, but better still the human nature that made up the panel. Strength, honesty, adroitness and eloquence equipped him for splendid service in the courts; with the court he was frank and open, honest and helpful. He never set traps for the court or his opponent, but fought his cases in the open.

HENRY C. IDE

1844-1921

Henry C. Ide, of St. Johnsbury, was born at Barnet, September 18, 1844. He completed his preparatory education at St. Johnsbury Academy and graduated from Dartmouth College with the highest honors in the class of 1866. He was principal of St. Johnsbury Academy from 1866 to 1868, after which he was for one year principal of the Cotting High School at Arlington, Mass. He studied law at St. Johnsbury with Judge Jonathan Ross and with Judge Benjamin H. Steele, and was admitted in 1871 to the bar of Vermont and subsequently to that of the United States District, Circuit, and Supreme Courts. He practiced at St. Johnsbury and had a large clientage both at home and in other counties and jurisdictions. He was State's Attorney in 1876 and 1877, and State Senator from 1882 to 1886. In 1884 he was president of the Vermont Republican State Convention and as such made the first speech for Blaine in the campaign of that year. In 1888 he was a delegate to the Republican National Convention in which Vermont voted unanimously on every ballot for Benjamin Harrison. In 1891 he was appointed by President Harrison as the United States member of the International Samoan Commission, of which he afterwards became chairman. In 1893 he was made Chief Justice of Samoa by agreement between England, Germany and the United States and continued as such until 1897, when he resigned. In March, 1900, he was appointed by President McKinley as a member of the Philippine Commission, and upon the organization of the government was made Secretary of Finance and Justice. It

became his duty in this connection to organize a Department of Justice and to supervise the finances of the islands. In 1904 he became Vice-Governor, in 1905 was acting Governor-General and in 1906 became Governor-General. During his period of service which ended in 1906, he was the author of more than three hundred laws of the Philippine Islands. These were of great value in the administration of public affairs. Soon after his return from the Philippines he was made receiver of the Knickerbocker Trust Company of New York, which had deposits of over $60,000,000. Within less than a year the institution was able to resume business. In 1909, President Taft appointed him Envoy Extraordinary and Minister Plenipotentiary to Spain. He remained in that office until August, 1913, when he resigned. He received the degree of LL. D. from Dartmouth and from Tufts College. He died June 13, 1921. Mr. Ide was one of the best lawyers that Vermont has produced.

ALEXANDER DUNNETT

1852-1920

Alexander Dunnett was born at Peacham, Vt., November 29, 1852. He was of Scotch origin, and the third of six children of Andrew and Christiana (Galbraith) Dunnett. Andrew came to America from Scotland in 1842 and married about five years later, settling first on a farm in Peacham, and later in West Newbury. The church and business center was at South Ryegate, where the family took up their residence when Alexander was fourteen years of age. Andrew was a farmer, elder in the Reformed Presbyterian Church, and a thorough Bible student.

He spent the formative period of his boyhood at South Ryegate, where he attended church and school. His academic training was acquired at Newbury and McIndoes Academies, and at Randolph Normal School. He graduated from the normal school in 1874 and studied law in the office of Nelson L. Boyden at Randolph and at Boston University Law School. He was admitted to the bar at the June term of the Orange County Court, 1877, and began his professional career at South Ryegate, where he practiced until 1883, when he removed to St. Johnsbury and formed a law partnership with Albro F. Nichols, which lasted for three years. In 1896 he formed a partnership with Leighton P. Slack, which continued until the latter was appointed Superior Judge, October 1, 1913. Shortly after this he formed a partnership with Charles E. Leslie, which continued for two years, when Mr. Leslie retired from the firm and Charles A. Shields entered it. The firm of Dunnett and Shields was enlarged

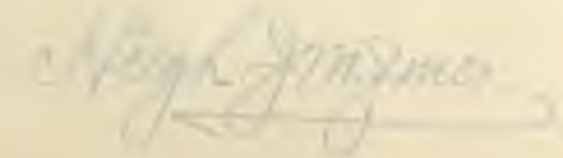
in September, 1917, to admit David S. Conant, who, with Mr. Shields, continued as a partner of Mr. Dunnett in the firm of Dunnett, Shields and Conant until the death of the senior member.

An accident occurred to Mr. Dunnett during a vacation in his early years which made it expedient, if not imperative, that he should henceforth earn his living by mental rather than physical exertions. When at work with a railroad construction gang a large stone fell on him, crushing his pelvis. This was a kind of injury that up to that time had with but few exceptions proved fatal, but not so with Mr. Dunnett. His life was despaired of but his Scotch determination won out and he retained a degree of strength that few possess, as was evidenced by many a wrestling bout in his younger years. He suffered a slight deformity from the accident, but he was erect in carriage, was over six feet in height, and impressive and interesting in appearance.

He taught many terms of school, beginning when he was but seventeen years old, and he held the usual public offices that fall to the lot of a wise and respected citizen. From 1886 to 1890 he was the State's Attorney of Caledonia county, and from 1906 to 1915 United States District Attorney for Vermont. He resigned the latter office in order to become a candidate for Congress, in which aspiration he was defeated after a long contest in the convention. He represented Caledonia county in the State Senate in 1890, attended as an alternate the Republican National Convention in 1916 held at Chicago, and was a delegate to the national convention of the same party held at the same place in 1920, being chairman of the delegation. He was a member of the National Bar Association and had been president of the Caledonia Bar Association and of the Vermont Bar Association. He was a trustee of Norwich University, and in 1917 received from that institution the honorary degree of Master of Science. An excessive blood-pressure, which was discovered about a year before his death, led to the admonition of his physician that he must relax from his arduous duties in order to preserve his health. This advice came at a time when his labors at the bar were at the flood and it was not easy to resist the current that was sweeping on to success and fortune. Many important cases were before the courts which required the personal attention of Mr. Dunnett. This he bestowed in full measure, to the impairment of his vitality. It was soon discovered that a severe kidney trouble had developed which the doctors and a course of treatment in a sanatorium failed to correct. In this unhappy physical state he insisted on attending the convention at Chicago, although it might "take six months from his life," and there made himself heard in the great convention hall as he seconded in behalf of the State of his birth the nomination of Calvin Coolidge for Vice-President. Not

HUGH J. M. JONES

Born in Ebensburg, Pa., of Welsh parentage, February 6, 1865. In the spring of 1877 he removed to Zanesville, Ohio, where he was educated in the high school and later was employed in a mercantile establishment. In 1882 Mr. Jones was employed as a travelling salesman by the granite firm of Jones Brothers. Gradually he worked his way up until he was placed in charge of the great Barre plant, the largest monumental granite works in the world, which, in normal times, employs from four hundred to five hundred persons. Mr. Jones has been president of the Barre Granite Manufacturers' Association and is treasurer of the Wells-Lamson Quarry Company and vice-president of the Quarry Savings Bank and Trust Company. For many years he has served as a member of the Montpelier School Board, much of the time as chairman. He was a member of the State Barge Terminal Commission. During the World War he held the responsible position of State Fuel Administrator and appointed one hundred and thirty-three local fuel committees throughout the State. One of his rulings was to the effect that no private person should have permission to obtain coal in carload lots, that privilege being restricted to the State. He was reappointed State Fuel Administrator during the Fuel crisis of 1922. Mr. Jones was one of the Vermont delegates to the Republican National Convention of 1920. He married Miss Dell B. Brandom of Mount Sterling, Ohio, July 9, 1889. Their children are Robert B., Marjorie D., and Hugh B. One son, George L., died in infancy. The family became residents of Montpelier in 1896.



Hugh J. McInnes

long after his return from Chicago he went to his summer home at Groton, where he remained for most of the time, but going now and then to his office in St. Johnsbury on important business until his death, September 14, 1920. His funeral services were held at the old Presbyterian Church at South Ryegate in the presence of a large assembly of relatives, acquaintances and prominent men from all parts of the State, and his body was conveyed to rest in the family burial lot at South Ryegate.

Alexander Dunnett was a remarkable man. He was the most interesting man at the Vermont bar, the most unique, and I think, all things considered, the wisest. He was of a character distinct from any one else and of a type all his own. The Scotch in his nature was always apparent, but there were elements of attractiveness in his make-up that were wholly personal. One of these was his unfailing courtesy to the members of the bar who were opposed to him. No ill will was ever cherished and no ill word spoken of such a brother. Toward the courts he held the highest ideals and for them he had the highest respect. But neither his friendship for his fellow members of the bar nor his regard for the courts ever caused him to withhold one word of criticism that he thought the case merited when he was presenting it in court. If his remarks were sometimes caustic they were, nevertheless, enjoyed by the court, who understood the kindly nature from which they came. In the first place, Mr. Dunnett was a great student. He liked to pore over books day after day and night after night until the body was exhausted and had to recuperate in rest and sleep. This made him a profound lawyer and an educated man, for he studied history, literature and poetry with the same passion that he studied law. Then he practiced law with the same intensity that he studied it. He gave his days to the courts and his nights to the preparation for the coming day. It is natural that powers of ready acquisition and unusual capacity for assimilation and retention should have been drawn on by clients from all parts of the State, especially when accompanied by a careful judgment and a personality as winning as that of Mr. Dunnett, and it is not surprising that the load he carried had to be laid down before the journey of life should have ended. If the cases should be examined in the reports of the Supreme Court it will be found that Mr. Dunnett argued many of them, and if his briefs were read it will appear that he made the most of his points and fortified them by decisions gathered from all reasonably available sources. His success was great with this court. It was marked in the trial courts also, where he was sure to make the most of his case in the examination of witnesses. There were others, however, who could make more of a bad case with the jury. With Mr. Dunnett the case had to stand on fair

argument and this he would send home with a logic and earnestness that were convincing.

It is in a personal sense that Mr. Dunnett will be the most missed and the longest remembered. His coming was sure to bring delight to all who were within the area of his kindly influence. He was as good a listener as he was a story teller and if anyone dropped a new story into his already crowded storehouse it would be recognized when brought forth at some future time by Mr. Dunnett, for it would appear in perfect reproduction, the same in substance and in words as it was received.

It will be a long time before the lawyers of his acquaintance will cease to relate anecdotes in the life of Mr. Dunnett. These cover a wide range and relate to a good many subjects. They illustrate the many phases of his character, but none so emphatically as his imperturbability. Once an oil stove had been installed in the home at St. Johnsbury against his wishes, and in an evil hour it caught fire. Mr. Dunnett was sitting on the front porch, with legs crossed, reading. The fire department was called from the rear part of the house and when the firemen arrived they asked in excitement of the head of the family where his fire was. Without changing his position or showing any interest in the important event that was taking place at the other end of the house, and still holding his reading, he said: "I haven't any fire. That's Mrs. Dunnett's fire in the other part of the house."

As soon as the automobile came into general use Mr. Dunnett was the owner of a car. He had several and used to drive himself and that at a rate intended to frighten his passengers, if any accompanied him. His accidents were many and it is a marvel that he was permitted to survive them all. While at Ryegate figuring up the amount due on a note he left his car standing on an incline without fixing the brakes. The car obeyed the laws of gravity, started backwards and landed in the edge of the river. A woman saw it and rushed breathlessly into the house where the figuring was still going on and exclaimed: "Oh, Mr. Dunnett, your car has run into the river." She repeated her warning before she got any response, and then without stopping his computation he said: "Then I don't suppose it will go any further." When the note had been finished he leisurely procured a team and had the car drawn into the highway.

His frankness was always in evidence and he never sought to conceal the fact that his Scotch blood made him in harmony with other things that were "Scotch" also. His automobile was wrecked at a Canadian crossing and he brought suit against the King (the road being a government road) on the theory that the whistle was not blown. The case came before the court and judgment was en-

tered for the plaintiff. A specification of the articles damaged and lost had to be made and when the list had been furnished the Judge, he inquired with apparent seriousness if all the articles lost had been specified. On getting an answer in the affirmative he said: "You were going on a fishing trip, were you not, Mr. Dunnett, and were these all the articles you had in the car?" To which the latter replied: "I did have a bottle of Scotch." "And was this of no value?" inquired the Judge. "It was priceless," said Mr. Dunnett. On this or another occasion they asked him if the whiskey was hurt. He said "it wasn't hurt, it was spilled."

PRESENT MEMBERS OF THE CALEDONIA COUNTY BAR

Harry Blodgett, of St. Johnsbury, was born in Canaan, March 31, 1852, and was educated in the common schools and at Colebrook Academy. He studied law at Colebrook with Judge Edgar Aldrich, at St. Johnsbury with O. S. and C. C. Burke, and was admitted in 1873. He has practiced at St. Johnsbury since his admission. He was State's Attorney, 1882-1884, 1898-1900, and was appointed Caledonia county Municipal Judge, February 1, 1921.

Brian Brown, of Danville, was born at Peekskill, N. Y., November 10, 1868. He studied law at the New York Law School, Brooklyn Law School, and at St. Lawrence University. He was admitted to the bar of New York in 1904 and to the bar of Vermont in 1917. He practiced in New York from 1904 to 1916, and in Caledonia county has practiced since 1917.

Harvey Burbank, of Danville, was born at Walden, July 5, 1868. He was educated in the public schools of Walden, at Hardwick Academy, and at Orange County Collegiate Institution, Orange, Calif. He studied law with Harry Blodgett at St. Johnsbury and at the Boston University Law School, where he received the degree of LL. B. in 1900. He was admitted in 1900 and until 1907 practiced at Danville and St. Johnsbury. He has held many town offices in Danville, has been president of the Caledonia County Teacher's Association, of the Vermont Association of District Superintendents of Schools, and has been District Superintendent of Schools in Caledonia South Central district since 1907.

James B. Campbell, of St. Johnsbury, was born at Stowe, October 31, 1883, and graduated from the Stowe High School in 1905 and from the University of Vermont in 1909. He studied law in the office of Albro F. Nichols at St. Johnsbury and in the George Washington

University Law School, and was admitted in 1912. He was Assistant Clerk of the court while studying at St. Johnsbury, and has been State's Attorney of Caledonia county since 1916. He was associated with Elisha May in practice at the time of the death of Mr. May in 1918.

David S. Conant, of St. Johnsbury, was born at Thetford, December 7, 1866. He was educated in the district schools, at Thetford Academy, and at St. Johnsbury Academy, graduating from the latter school in 1887, and from Dartmouth College in 1891. He studied law in the office of John H. Watson at Bradford and at the Boston University Law School. He was admitted in 1898 and practiced at Bradford from his admission until 1917, when he moved to St. Johnsbury and became a member of the law firm of Dunnett, Shields and Conant. He has since practiced at the latter place and is now a member of the firm of Shields and Conant. He was State's Attorney of Orange county, 1900-1904, and State Senator, 1914-1916.

Sumner E. Darling, Jr., of Hardwick, was born at Hardwick, November 12, 1886. He attended Hardwick Academy and Montpelier Seminary, graduating from the latter institution in 1905. He graduated at Tufts College in 1909. He studied law in the office of his uncle, Charles H. Darling, at Burlington, and was admitted to the bar in 1912. He was in service in the late war with Germany and was discharged as a Sergeant.

George Clinton Frye, of St. Johnsbury, was born at Concord, September 17, 1873, and was educated at the St. Johnsbury Academy, where he graduated in 1892. He studied law at the Boston University Law School, graduating in 1897, and with Albro F. Nichols at St. Johnsbury, and was admitted in 1897. He has practiced at St. Johnsbury since admission. He was Referee in Bankruptcy from 1910 to 1915 and was Judge of the Caledonia County Municipal Court from 1915 to 1921.

Joseph T. Gleason, of Lyndonville, was born at Lunenburg, June 18, 1844, and was educated in the district schools of Lunenburg. He studied law in the office of J. P. Lamson at Cabot and in the office of W. W. Eaton at Concord. He was admitted in 1876, and practiced at Concord from 1875 to 1878, and has since practiced at Lyndonville. He was a soldier in the Civil War; has held many of the town offices; Assistant Judge of the County Court; County Senator; vice-president and president of the Caledonia Bar Association.

Arthur L. Graves, of St. Johnsbury, was born at Wells River, July 30, 1887. He graduated at the Wells River High School in

1904; at Phillips Academy, Andover, 1905; Dartmouth College, 1909; and at Harvard Law School, 1912. He studied law in the office of Simonds and Searles at St. Johnsbury, and was admitted to the bar in 1913. He has practiced at St. Johnsbury since his admission and is a member of the firm of Searles and Graves.

Guy W. Hill, of St. Johnsbury, was born in Waterford, April 26, 1878, and was educated in the common schools of Waterford and at St. Johnsbury Academy, where he graduated in 1897. He studied law in the office of Dunnett and Slack at St. Johnsbury and was admitted in 1901. He has practiced at St. Johnsbury since his admission. He was secretary of the Vermont Bar Association for two years.

Alphonzo D. Kimball, of Hardwick, was born at Cabot, August 24, 1860. He was educated in the common schools of Cabot and at the Randolph State Normal School, where he graduated in 1882. He studied law in the office of Charles H. Heath at Montpelier and was admitted in 1889. He practiced at first at Plainfield and afterward at Hardwick. He was located in Woodbury for a time and removed to Hardwick in 1909. He has done much teaching and farming and has not practiced to any considerable extent. He has been Superintendent of Schools in Woodbury and a member of the school board.

Jutten A. Longmoore, of St. Johnsbury, was born at South Ryegate, December 17, 1892. He was educated in the public schools, at St. Johnsbury Academy, at Newbury Seminary, and at the University of Southern California. He studied law at the last named institution, with Albro F. Nichols at St. Johnsbury, and was admitted in 1917. He was enrolled in the war with Germany, April 21, 1917, enlisted May 10, 1917, served in France and Germany, and was discharged August 15, 1919. He has practiced at St. Johnsbury since September 5, 1919, and is a member of the firm of Porter, Witters and Longmoore.

Melvin G. Morse, of Hardwick, was born at Elmore, February 27, 1873. He was educated at the People's Academy, where he graduated in the class of 1897. He studied law at the Boston University Law School, with Philip K. Gleed at Morrisville and with Bates, May and Simonds at St. Johnsbury, and was admitted in Vermont and Massachusetts in 1897. He has practiced at Hardwick since 1900. He was State's Attorney in 1902-1904; member of House in 1915; Senator in 1917; Reviser and Editor of General Laws; Municipal Judge of Caledonia county from February until August, 1917; Legis-

lative Reference Librarian from July 1, 1919, to May 1, 1920; Commissioner of Taxes from 1920 to 1921; was in Y. M. C. A. service overseas in World War. He is now in practice at Hardwick.

Albro F. Nichols, of St. Johnsbury, was born at Lyndon, March 24, 1850. He was educated in the common schools, at Colby Academy and New Hampton Institute, graduating in the classical department of the latter school in 1871. He studied law in St. Johnsbury in the office of Belden and May and in the office of Belden and Ide, and was admitted in 1873 to the County Court and in 1878 to the Supreme Court. He practiced at Lyndon from 1874 to 1876, at West Concord from 1876 to 1883, and from 1883 to 1888 at St. Johnsbury. He was State's Attorney of Essex county, 1878-1883; Senator, Caledonia county, 1890-1894; County Clerk since January 21, 1888.

Nathan A. Norton, of Lyndonville, was born at Glover, September 21, 1865, and was educated in the common schools and at Johnson Normal School. He studied law in the office of Edwin A. Cook at Newport and at the University of Michigan Law School, and was admitted to the bars of Michigan and of Vermont in 1895. He practiced at Glover from his admission until 1900, and has since practiced at Lyndonville. He was State's Attorney from 1914 to 1917.

Frank M. Page, of Groton, was born at Topsham, September 23, 1845, and educated at the Spaulding Academy, Barre. He studied law with Capt. J. O. Livingston at Montpelier, and was admitted in 1873. He has practiced at St. Johnsbury and at Groton. He was Assistant Judge of the Caledonia County Court, 1908-1912; member of the House in 1876; member of the Senate, 1914-1915.

Loren E. Pattridge, of Peacham, was born at Peacham, February 12, 1867, and was educated in the Caledonia County Grammar School, from which he graduated in 1888, and from Dartmouth College, from which he graduated in 1892. He studied law in the office of David J. Foster at Burlington and in the office of Norton Brothers of Buffalo, N. Y. He was admitted to the bar of New York in 1896 and to the bar of Vermont in 1902. He practiced at Buffalo from 1896 until 1901, and since that time has practiced at Peacham. He has held minor town offices.

David E. Porter, of St. Johnsbury, was born at Oshkosh, Wis., July 16, 1872, and was educated at St. Johnsbury Academy and at Michigan University. He studied law at the Ann Arbor Law School and in the office of Bates and May at St. Johnsbury, was admitted to the bar of Michigan in 1892 and to the bar of Vermont in 1895.

He has always practiced at St. Johnsbury. He was Referee in Bankruptcy, 1898-1902; State's Attorney, 1902-1904; State Senator, 1910; Caledonia County Municipal Judge, 1910-1915.

Samuel E. Richardson, of St. Johnsbury, was born in Waterford, May 13, 1884, and was educated in the district schools, at St. Johnsbury Academy and at Harvard College, where he graduated in 1907. He graduated at the Harvard Law School in 1910, was admitted to the Massachusetts bar in 1910 and the bar of Vermont in 1912. He practiced with the firm of Howe and Hovey at St. Johnsbury during 1911 and 1912, when he went to New York and entered the legal department of the American Sugar Refining Company, where he remained until 1916. He was unable to resume practice until 1917 on account of ill health, when he entered the office of Porter and Witters at St. Johnsbury, where he remained until 1918, when he went into business. He has practiced law to a limited extent at St. Johnsbury since 1918.

J. Rolf Searles, of St. Johnsbury, was born in Holland, Vt., March 22, 1881, and was educated in the district schools of Holland and Derby and at Derby Academy, graduating from the latter in 1899. He studied law with Porter and Thompson and with Albro F. Nichols at St. Johnsbury, was admitted in 1904 and has since that date practiced at St. Johnsbury. He became a member of the Republican State Committee for Caledonia county in 1914 and soon was made vice-chairman and secretary. He succeeded Judge Stanley C. Wilson as chairman, continuing in service until 1919, when he resigned.

Oscar L. Shepard, of Hardwick, was born at Albany, Vt., March 24, 1894. He graduated at Hardwick Academy in 1913 and at Lowell Commercial College (Mass.) in 1914. He studied law in the office of Walter A. Dutton at Hardwick, with whom he has formed a partnership in the name of Dutton and Shepard. He was admitted in 1919 and has practiced at Hardwick since his admission. He served in the army in the late war with Germany from February, 1918, to January, 1919.

Charles A. Shields, of St. Johnsbury, was born at Fairfield, Pa., November 17, 1878. He was educated in the Michigan graded schools, the high school at Wayland, Mich., and Valparaiso University, Indiana. He graduated from the College of Law in the latter institution after a two-year course of forty weeks each with the degree of LL. B. in 1902. He studied law in the office of F. B. Lambert at Wahpeton, N. D., and was admitted to the bar of that State in 1902 and to the

bar of Vermont in 1915. He practiced for a part of the time in the years 1902, 1903 and 1910 in North Dakota and since November, 1915, has practiced at St. Johnsbury. He is a member of the firm of Shields and Conant.

Preston A. Smith, of Groton, was born at Hope, Me., May 14, 1859. He was educated in the common schools of his native State, graduated at Union High School, Union, Me., in 1877, and at Gorham Normal School in 1881. He studied law with D. Thompson at Hartland, True Pierce at Rockland, and James Gray at Lubec, and was admitted to the bar of Maine in 1896 and to the bar of Vermont in 1908. He practiced at Thomaston, Me., 1896-1898. Mr. Smith preached at the Richford Methodist Church on coming to Vermont. He has not been in active practice in the law and is now secretary-treasurer of the Groton Manufacturing Company.

Almer B. Thomas, of Hardwick, was born at Woodbury, August 2, 1862. He was educated in the common schools and at Hardwick Academy. He studied law in the office of Josiah O. Livingston and in the office of Joseph A. and George W. Wing at Montpelier and in the office of Joseph P. Lamson at Cabot. He was admitted in 1883 and located at Redfield, Dakota, where he remained for three years in practice. He returned to Randolph, where he practiced for three years, when he removed to Hardwick, where he has remained since, but has not practiced since about 1900. He was prosecuting attorney for two years in Spink county, Dakota. Mr. Thomas is a mechanic and has spent considerable time during the last twenty years in work upon different mechanical devices, for which he has obtained patents.

Walter W. Wesley, of St. Johnsbury, was born at Bethlehem, N. H., October 6, 1890. He was educated at the St. Johnsbury Academy, where he took both a general and commercial course, graduating in the latter in 1909. He studied law at St. Johnsbury in the office of David E. Porter and at the Boston University Law School, and was admitted in 1913. He practiced at St. Johnsbury from 1914 to 1919, when he was appointed Probate Judge for Caledonia county.

Harry W. Witters, of St. Johnsbury, was born at St. Albans, March 18, 1889, and was educated in the public schools and in the high school at St. Albans, graduating from the latter in 1908. He studied law at the University of Michigan, where he received the degree of LL. B. in 1911. He was admitted to the bar of Michigan and to the bar of Vermont the year of his graduation from the law school. He has practiced at St. Johnsbury since December, 1911, and is a member of the firm of Porter, Witters and Harvey. He was a member of the House from St. Johnsbury in 1919.

FREDERICK H. BABBITT

Born in Keene, N. H., November 23, 1859. He removed to Bellows Falls in 1864 and has resided there since that time. He was educated in the public and private schools. He has been engaged in the manufacture of paper for many years and is one of the most prominent manufacturers in Vermont. He is president of the Robertson Paper Company, the largest manufacturer of oiled and waxed paper in the United States. He has held all the important municipal offices and represented his town in the Legislature in 1910, being one of the leaders of that body. He was chairman of the Committee on Internal Affairs and second on the Ways and Means Committee. He was a Senator from Windham county in 1912, being President Pro Tem of the Senate and chairman of the Finance Committee. He has served on important State commissions, has been president of the Greater Vermont Association and prominent in Masonic circles, being a member of the Grand Commandery and a 33rd degree Mason.

Frederick W. Babbitt.

CHITTENDEN COUNTY

BY an act of the Legislature passed October 22, 1787, the county of Chittenden was established, and Colchester became the shire town. Here the Supreme Court held the annual sessions, beginning at the August term, 1789. The County Court held at the same place six terms, commencing with February term, 1788. By a special act, passed October 27, 1790, the County Courts were removed from Colchester to Burlington. In the summer of 1796 a court house was built in the center of Court House Square. This was replaced by another which was built in 1802 on the site of the Fletcher Free Library building. The new court house was burned in 1828, and another one erected on the same site. The building is the same that was later used by the Fletcher Free Library. It is a two-story brick building, forty-six feet wide and sixty feet long. The court room was in the upper story. In 1829 the property was leased to the county as long as wood grows and water runs for a normal rental if demanded. The town paid one thousand five hundred dollars toward the building on condition that it should have the exclusive use of the basement for town purposes. Here the town meetings were held until 1854. The building was used for a court house until 1873, when the present court house was completed. The latter is a handsome structure of cut and hammered stone, two stories in height, with a mansard roof. It was two years in process of construction and cost between fifty thousand and sixty thousand dollars.

The first jail stood near the northeast corner of Court House Square, about the site of the Strong block. A lot on Church Street, between Bank and Cherry Streets, was purchased by the county in 1807, and here was erected a jail and jail house. In 1851 this was destroyed by fire and new jail buildings were at once erected on the same site. These premises were sold in 1887, and in that year the county purchased the lot on Main Street, where the present jail stands. This jail was completed in 1888, and has been changed from time to time, as occasion required.

WILLIAM A. GRISWOLD

1755-1845

William A. Griswold, who is said by his biographer to have been an excellent specimen of an honest politician, was born at New Marlboro, Mass., September 15, 1755. When he was ten years old his father moved to Bennington. He graduated from Dartmouth College and studied law with Judge Jonathan Robinson. He acquired an

appointed to the office of State's Attorney in 1803 in Bennington county and with few interruptions continued to hold it until he moved to Burlington in 1821. He was elected to the Legislature in 1807 and remained a member until 1811. He urged the Legislature to abandon the branding-iron, pillory and whipping post and to substitute a kind of punishment intended for the reformation of the criminal. In 1812 he was chosen a Presidential Elector and voted for James Madison. In 1813 he re-entered the Legislature and continued therein until 1819, being Speaker from 1815 to the end of his service. During the stormy years of the War of 1812 he was the leader of his party in the House. President Monroe appointed him United States District Attorney, a place which he held until 1829. He was a member of the Council of Censors in 1828, and Presidential Elector in 1836, voting for Harrison. He represented Burlington in the Legislature in 1841. After his removal to Burlington he formed a law partnership with his brother-in-law, Judge Follett, and pursued his profession as long as his health permitted. He was a follower of Jefferson in politics, a supporter of President Adams' administration and an earnest admirer of Henry Clay.

CHARLES ADAMS

1785-1861

One of the leading lawyers of the old school was Charles Adams, who was born at Arlington, Vt., March 12, 1785, and died January 12, 1861. He graduated at the University of Vermont at the age of nineteen, being one of the three forming the first graduating class. He studied law in the office of William C. Harrington in Burlington and was admitted to the bar in Chittenden county. He served as one of the Governor's Council. During the visit of General Lafayette in 1825 he acted as aide to Governor Van Ness. He was widely known throughout the State for his ability and public services for more than forty years and esteemed by his fellow-men for the purity of his character and his generous and earnest public spirit. His practice at the bar was large. This was characterized by integrity, prudence, learning, knowledge of men and affairs and power of persuasion. When he passed from among the living, one of the few remaining lights of the old common law was extinguished.

TIMOTHY FOLLETT

1793-1857

Timothy Follett was born at Bennington, January 5, 1793. At the age of ten years he moved to Burlington, where he graduated

from the University of Vermont in 1810. He studied law at the extensive practice, much of it being in the Federal Courts. He was Litchfield Law School and was admitted to the bar in Chittenden county in February, 1814. In 1819 he was appointed to the office of State's Attorney and was elected to the same office in 1820-21 and 1822. In 1823 he was elected Judge of the County Court and his professional life continued until he was obliged to abandon it on account of ill health. In 1830-31 and 1832 he was Town Representative; from 1832 to 1841 was engaged in the settlement of the large bankrupt estate of Horatio Gates & Company of Montreal. In the latter year he became a senior member of the firm of Follett and Bradley, which did an extensive mercantile business. He was the chief projector of the Rutland and Burlington Railroad. He was elected president of the corporation in 1845 and in December, 1849, a train of cars passed over the entire line from Boston to Burlington. He continued as president and sole constructing agent until January, 1852, when he surrendered the trusts which the corporation had committed to his care.

JACOB MAECK

1798-1873

One of the most interesting as well as one of the brightest members of the Chittenden county bar was Jacob Maeck. He was born at Shelburne, Vt., February 14, 1798. His father was a physician of prominence at the latter place, and his grandfather a surgeon in the Hessian army that surrendered at Saratoga. He graduated from the University of Vermont with honors in the class of 1818; studied law with Sanford Gadcomb and was admitted to the bar in Chittenden county in 1820. He began practice in Essex, but soon went to Jericho, where he remained until 1829, when he removed to Burlington, which he made his home thereafter. He was a partner of David A. Smalley from 1837 to 1841. He was the first counsel of the Vermont Central Railroad and a strong friend of Governor Paine during its construction. He never held public office and was for most of his life an independent in politics. In later years he acted with the Democracy. He was an excellent lawyer and successful in his practice. He possessed a pronounced character, was eccentric and extremely witty. Many anecdotes and witty sayings are credited to him which are still cherished and quoted at the local bar. He was a confirmed bachelor and avoided the society of women. He was small, slight and frail physically. When inquiry was made about his health he would say: "I don't know, for I never had any." In spite of this misfortune his keen, strong intellect and caustic speech gave him great weight before court and jury. His death occurred November 4, 1873.

GEORGE P. MARSH

1801-1882

George P. Marsh, the most widely known of the distinguished family of that name, was born at Woodstock, this State, March 15, 1801, and died at Valambrosa, Italy, July 24, 1882. He graduated at Dartmouth College in 1820 and for a year was a tutor therein. He was distinguished at an early age for his linguistic acquirements. He came to Burlington in 1823 and formed a partnership with Benjamin F. Bailey under the name of Bailey and Marsh. In 1835 he was elected one of the Governor's Council. In 1842 he was elected to Congress. After serving six years in Congress he was appointed by President Tyler Minister to Turkey. While in Turkey, in 1852, he was charged with an important mission to Greece. Returning home in 1853 he served as Railroad Commissioner for Vermont. In March, 1861, he was appointed by President Lincoln Minister to Italy and never again returned home. He represented his country abroad for many years. He possessed large learning and his interests were as wide as the world. He published the following works: A grammar of the "Old Northern or Icelandic Language"; "The Camel, His Organization, Habits and Uses, With Reference to His Introduction into the United States"; lectures on the English Language, Origin and History of the English Language, and of the early literature it embodies. All but the first of these subjects were treated in the form of lectures and were originally delivered at the Lowell Institute, Boston. They passed through many editions and are recognized authority upon the subjects treated. "Man and Nature," published in 1864, was afterwards revised and appeared in 1874 under the title, "The Earth as Modified by Human Action." He also published at different times a number of lectures, speeches and addresses. He was the greatest general scholar who ever came to the Vermont bar.

DANIEL ROBERTS

1811-1899

Daniel Roberts, son of Daniel and Almira Roberts, was born at Wallingford, Vt., May 25, 1811. His parents came from Litchfield, Conn., early in the century and located in Rutland county. Daniel Roberts was fifth in a family of ten children. He entered Middlebury College at the age of fourteen and graduated in the class of 1829. He appeared in college clad in homespun and did not have his first suit of broadcloth until his graduation. The class was famous for its longevity. At its semi-centennial anniversary thirteen of the orig-

inal eighteen members were still living. Mr. Roberts studied law in the office of Harvey Button of Wallingford, and was admitted to the bar of Rutland county at the September term, 1832. That fall he started out to find a place in which to locate, visiting Grand Gulf, Natchez and New Orleans. The next spring he visited his cousins in Morgan county, Illinois. He formed a partnership with Murry McConnell at Jacksonville, Ill., but returned to Vermont in 1835 and afterwards remained in his native State. In 1834-35, Stephen A. Douglas taught the winter term of school in Winchester, which is near Jacksonville, came to the latter place in the spring of 1834 and was admitted to the bar before he was twenty-one. Mr. Roberts, who knew him at this time, describes him in the following interesting manner: "When elected Attorney-General, I remember him as he started out on the circuit, astride of a three-year-old colt, his short legs reaching hardly below the saddle-skirts, and in his saddle-bags his whole library, consisting of a book on criminal law which I had loaned him." It will be recalled that the length of Mr. Douglas' legs was the subject of comment at one time and President Lincoln was asked how long a man's legs ought to be and gave the characteristic answer, that they ought to be long enough to reach from his body to the ground. In the spring of 1836, Mr. Roberts took the office and business of Milo L. Bennett of Manchester, afterwards a Judge of the Supreme Court, and remained in practice in Manchester until 1856, when he moved to Burlington and formed a partnership with Lucius E. Chittenden. Here he remained in practice during the remainder of his long life, succeeding to the place of Edward J. Phelps, who had formerly been a partner of Mr. Chittenden and had at this time removed to New York. The new firm was known as Roberts and Chittenden. It had a large practice at a bar composed of the greatest lawyers in the State. Some of the most conspicuous of these were George F. Edmunds, Edward J. Phelps, Asahel Peck, Jacob Maeck, Levi Underwood and Eleazer R. Hard. In 1861, Mr. Chittenden was made Register of the Treasury and removed to Washington, after which Mr. Roberts remained alone in practice until in later years his son, Robert Roberts, became associated with him in the firm of Roberts and Roberts.

Mr. Roberts held few public offices. He was once State's Attorney of Chittenden county. The service for which he will be remembered in a public way was the publication in 1878 of "Roberts' Vermont Digest." This was a digest of the decisions of our Supreme Court, to which he afterwards added a supplement. It was published at the direction of the court and was in general use until 1910. It was a valuable contribution to the law of our State, combining as it did the learning of a great lawyer with a careful and accurate analysis and statement of the law as settled by our highest

court, and it was the handbook of every lawyer in Vermont for a generation. In the latter year Robert Roberts, his son, published the "Vermont Digest" and at the same time the West Publishing Company, under contract with the State, published a digest of the Vermont decisions. These took the place of "Roberts' Vermont Digest" and brought the decisions to date.

Mr. Roberts was in active practice for more than sixty years. His name appears as attorney in sixty-two volumes of the Supreme Court Reports. There is probably not another such record in the history of the bar of Vermont. Mr. Roberts was a thoroughly-trained, scholarly and resourceful lawyer. He knew the law in all its ramifications, and daily during his long life was its devoted student. Nature was kind to him and kept all his mental faculties well in store until shortly before the end.

Mr. Roberts was warmly attached to his friends and old associates. Those who had the pleasure of seeing will not soon forget the three venerable patriarchs who annually attended the bar meetings, Joseph A. Wing of Montpelier, George W. Harman of Bennington, and Mr. Roberts. At the banquets Mr. Roberts led the singing of "Auld Lang Syne," sharing the place of honor at the table with the other two venerables until the last survivor of the venerable trio was lost to sight. In 1898 he attended the bar meeting for the last time, and on that occasion read a memorial sketch of Mr. Harman, who had gone on before. He died at Burlington, October 6, 1899.

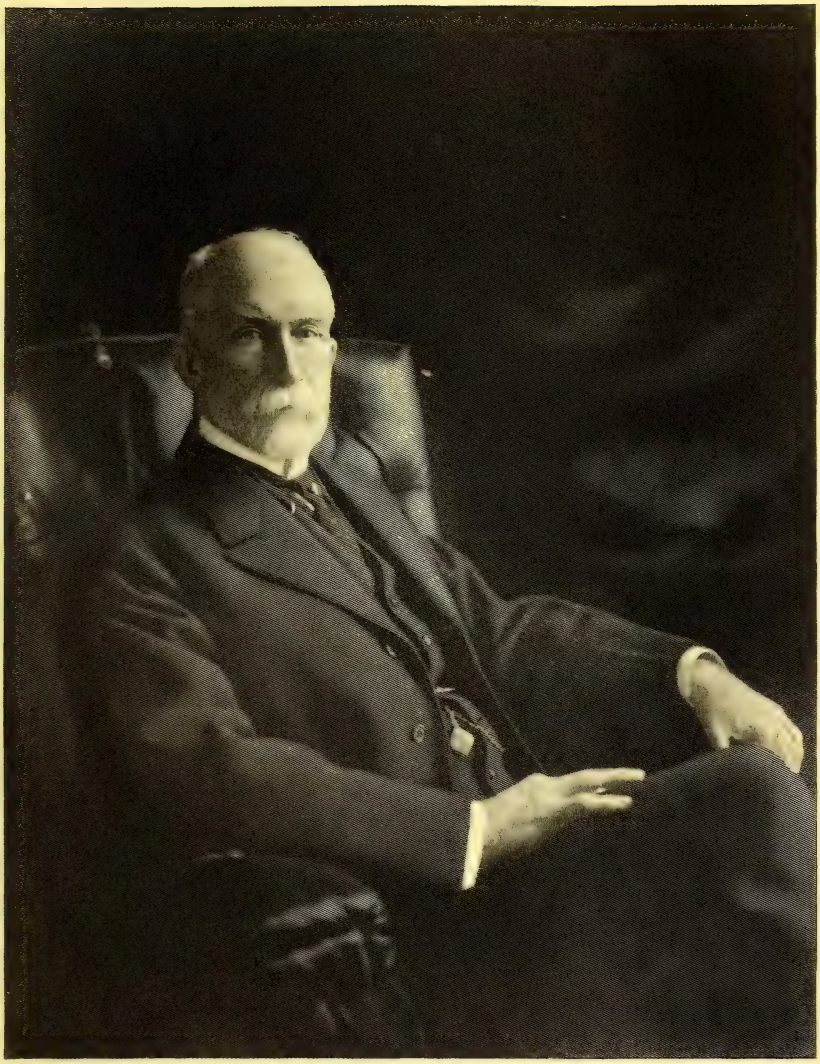
LEVI UNDERWOOD

1821-1902

A great lawyer of the Chittenden county bar fifty years ago was Levi Underwood. He ranked with Edmunds, Phelps and Hard. He was born at Hardwick, Vt., December 24, 1821, the son of Silas Underwood, who was a farmer and inventor. His mother was Lucy Leslie, sister of Myron Leslie, one of the leaders of the St. Louis bar. Governor Underwood was educated at Craftsbury Academy and studied law with Luke P. Poland. Long before he was twenty-one he was qualified for admission to the bar, but the court rules forbade his becoming a member. While waiting for admission he taught school, gave lessons in penmanship and lectured on geology. After his admission he located in Burlington, where he enjoyed a lucrative practice. He was for a time a partner of Eleazer R. Hard. He was counsel for the receivers of the Vermont Central and Vermont and Canada Railroads in the suit which commenced in 1856 and continued as such until 1860, when a final decree was made. This receivership was unprecedented in judicial annals because it did not

NATHAN GALLUP WILLIAMS

A descendant of Richard Williams, a founder of Taunton, Mass., and of Oliver Cromwell, was born in Pomfret, Conn., October 31, 1844. He was educated in the public schools of Worcester, Mass., and resided in Providence, R. I., from 1863 to 1873. He was married in 1871 to Sarah Phillips Carr, daughter of Capt. Harry Phillips Carr, U. S. Navy. She died in 1884. They had three children, Charles Ernest (died in 1882), Elizabeth Carr (Mrs. James Arthur Pearson), and Genevieve. In 1886 he married Mrs. Emily Frances Smith, who died in 1901. In 1906 he married Abbie Lucinda Haines of Waterbury, Vt. He began the mercantile business in St. Louis, Mo., later spent two years in business in Iowa, and from there went to Chicago. He was called from Chicago to Bellows Falls, Vt., in 1877 to take charge of and reorganize the Vermont Farm Machine Company. He was elected its treasurer, later its manager and then its president, holding the offices of president and manager for over forty years. Under his management the business increased until it became the largest manufacturing plant of dairy and maple sugar apparatus in New England. The number of persons employed increased from eighty to nearly a thousand. During the World War the company manufactured shrapnel and high explosive shells for the Russian and United States governments. He was superintendent of the First Congregational Sunday School twenty-nine years, and deacon from 1904 to the present time (1922). He has been vice-president and president of Old Rockingham Meeting House Association. He was one of a committee to lay out and build a sewerage system for the village of Bellows Falls, a trustee of New England Kurn Hattin Homes for Boys from its organization, and chairman of the executive committee from 1905 to 1921, chairman of the executive committee, vice-president, 1905-1906, and president of the Vermont State Sunday School Association, vice-president and president of the Vermont Domestic Missionary Society, member of State committee of Young Men's Christian Association for over twenty years, chairman of the executive committee of the Vermont Commission to the Tennessee Centennial Exposition in 1897, and delegate to the Republican National Convention in 1908. He was elected by the Legislature of Vermont in 1904 and 1906, Judge Advocate of Vermont, with the rank of Brigadier-General. He was appointed by the Governor in 1904 chairman of a committee to investigate State institutions.



N. G. Williams.

cease until 1880. He was the leading attorney for the mortgagees in the foreclosure proceedings against the Rutland Railroad and the records show that he made one charge of thirty thousand dollars in this case. Other counsel, however, shared in the fee. For a good many years he was located in New York City, where he had as clients James Gould, James Watson Webb and the Erie Railroad. He was a member of the Peace Conference at Baltimore, but bolted the convention because he said he could hear the guns booming on Fort Sumter. He was Lieutenant-Governor from 1860 to 1862. Governor Underwood was commanding in appearance. He was six feet tall, of blond complexion, light hair and bluish-gray eyes. His eyes were very penetrating when his mind was in full activity, but in social intercourse they sparkled with fun and good humor. One of his great contemporaries gives him unstinted praise: "I never knew a man who could grapple with a complicated state of facts and analyze them correctly and reach a legal result so quickly and so accurately as he could. He had the habit of knitting his brows to an unusual degree when his mind was concentrated in thought, which would arrest the attention of anybody, but when his mental activities ceased, his face beamed with the joy of a schoolboy who had worked out a mathematical proposition which had been given to him by his preceptor. Intellectually he had no superior in the legal profession in Vermont, and that is saying a good deal, considering the standing and ability of the bar in these days." His mind was brilliant and his memory phenomenal. He could once read a chapter in a book and recite the whole chapter. He possessed a strong understanding, had good legal sense and was a great wit. His description of Judge Asahel Peck is characteristic. The Judge was a great snuff taker. Governor Underwood said the Judge began with common snuff and when that ceased to bite he took Scotch snuff, which he followed with red pepper and finally with carpet tacks.

Governor Underwood married, June 17, 1851, Cornelia Van Ness Chamberlain of Burlington. There are now surviving of the family, Thomas C., Cornelia C. and Violet (Mrs. Edward Hoyt). He died March 13, 1902, and Mrs. Underwood a few hours before.

EDWARD J. PHELPS

1822-1900

Edward J. Phelps was the most accomplished lawyer that Vermont has produced. He was the son of Judge Samuel S. Phelps of the Vermont Supreme Court; was born at Middlebury, July 11, 1822, and died at New Haven, Conn., March 9, 1900. He entered Middlebury College at the age of fourteen and graduated in 1840. He

taught school in Virginia for a year after completing his college course and attended a course of lectures in the New Haven Law School. Returning to Middlebury he took up the study of law in the office of Horatio Seymour and was admitted to the bar in 1843 and commenced practice at Middlebury. Two years later he removed to Burlington, where he resided for the rest of his life, with the exception of a short time, when he lived in New York. In 1851 he was appointed by President Fillmore second Comptroller of the United States Treasury, a position which he resigned later. Returning to Vermont, he became a leader at the bar. For forty years he was recognized as the most brilliant lawyer in Vermont. He had a profound knowledge of the law, was a close and correct reasoner, and he presented his views with an elegance of diction and a charm of manner that distinguished him from all others. During the years of his active practice he appeared in nearly all the great cases that came before the Vermont courts. In his later years he gave up his home office and devoted his entire time to practice in the Federal Courts. He frequently appeared before the United States Supreme Court, where no man at the American bar was in greater favor. The Justices enjoyed his arguments no less than his charming personality, and Justice Brewer once told me that he was the most scholarly man that he had ever known.

Without previous knowledge on his part, on account of the influence of his friend, Senator Edmunds, who recommended him to President Cleveland in 1885, he was appointed by the latter as Minister to the Court of St. James. The selection of a lawyer from a small State for this high office must have been attended with not a few misgivings on the part of those who did not know the eminent qualifications of the appointee, but history accords to Mr. Phelps the prestige of having maintained the high traditions of the great office with the exercise of such tact and judgment as to reflect credit upon his nation. He managed to the satisfaction of both nations the Sackville-West affair, the negotiations for an extradition treaty, and the controversies over the rights of the American fishermen and the destruction of seals in Behring Sea. He subsequently represented the United States in the tribunal of arbitration held in Paris in 1893 on the Behring Sea controversy. This important appointment came to him from President Harrison. The court sat for fifty-four days and Mr. Phelps made the closing argument, occupying eleven days and extending over three hundred and twenty-five printed pages. At the close of his address the court warmly commended the ability, dignity and courtesy of the American advocate.

In 1881, Mr. Phelps was president of the American Bar Association; he was professor of medical jurisprudence in the University of Vermont from 1881 to 1883, and delivered a course of lectures

which have been printed; he was lecturer on constitutional law in Boston University in 1882, and was Kent professor of law in Yale College from 1881 to his death, except during his absence in England. In 1877 he presided at the centennial celebration of the battle of Bennington and on the occasion of the dedication of the monument in 1891 was the orator of the day. The latter address was scholarly and eloquent. It is doubtful if any other Vermonter during Mr. Phelps' time delivered any speech that is its equal. His address on Chief Justice Marshall before the American Bar Association in 1876, and that on Judge Samuel Prentiss in 1882, are classics in biographical discrimination. In 1886 he delivered before the Philosophical Society of Edinburg an address on "The Law of the Land," which brought him the respect and admiration of English litterateurs. On the occasion of his leaving England he was given a dinner by the Century Club of London. At this, Lord Chief Justice Coleridge linked his name with that of Everett, Buchanan, Adams, Motley and Lowell, and said that no one of these predecessors had ever been the recipient of such unanimous and cordial expressions of regard, and that no American minister had ever left England amid more universal regret. The response made by Mr. Phelps to this generous expression of praise and regret was one of the happiest speeches he ever made. It charmed his listeners and appealed with such force to Lord Rosebery that he sent a note to Mrs. Phelps in which he said that Mr. Phelps had quite outdone the other speakers at the brilliant party that had met to bid him adieu. The principal orations and essays of Mr. Phelps were published by Harper's after his decease. They fill a volume of nearly five hundred pages.

Mr. Phelps was devoid of political ambition. He represented Burlington in the Constitutional Convention in 1870; he was the Democratic candidate for Governor in 1880, but, of course, was unsuccessful. He was an ardent Democrat, but he broke from the party in the early campaign in 1872, in 1890 supported Mr. Blaine's Behring Sea policy, and in 1896 supported McKinley for the presidency.

He was a great lawyer. He understood law as a science. He was thoroughly grounded in its fundamental principles and readily made his way to these in a given case. He could analyze and generalize equally well. He would have made an admirable Chief Justice of the United States Supreme Court, an office which he deserved and would have received but for the interference of a miserable political cabal. This office would have been a fitting close of his professional career. It would have given Vermont, too, the honor of a representation on the highest court, a distinction that has not yet come to the State.

In personal character Mr. Phelps was of the old school. He loved the old manly virtues and could not endure sham or falsehood. He loved art and had a special fondness for the old songs and ballads.

His poet was Byron and Shakespeare his dramatist. But his first two books as models of literary excellence as well as guides to a model life were the King James Bible and the Book of Common Prayer of the Church of England. I think he was a student of Daniel Webster's orations, and I found not long since in the Middlebury College library a volume of Webster's speeches that formerly belonged to Mr. Phelps and bore his autograph. He was in Washington in the days of Webster's glory and heard him argue cases in the Supreme Court. He was no mean poet, although he made no pretensions in this regard. His best known verse is his satire on Essex Junction:

THE BALLAD OF ESSEX JUNCTION

With saddened face and battered hat
And eyes that told of blank despair,
On wooden bench the traveler sat
Cursing the fate that brought him there.
"Nine hours," he cried, "we've lingered here,
With thoughts intent on distant homes,
Waiting for that delusive train
That, always coming, never comes;
Till weary and worn, cold and forlorn,
And paralyzed in every function,
I hope in hell
Their souls may dwell
Who first invented Essex Junction.

"I've traveled north, I've traveled south,
O'er mountain, forest, prairie, river,
In ocean storm, in desert drouth,
Thro' railroad smash and steamboat shiver,
While hope and courage faltered not
Nor strength gave way, nor faith was shaken
Until I reached this dismal spot,
Of man accursed and God forsaken,
Where strange new forms of mystery
Assail men's lives without compunction,
And I hope in hell
Their souls may dwell
Who first invented Essex Junction.

"Here Boston waits for Ogdensburg,
And Ogdensburg for Montreal;
And late New York long tarrieth,
And Saratoga hindreth all;

From far Atlantic's wind-swept bays
To Mississippi's turbid tide,
All accidents, mistakes, delays,
Are gathered here and multiplied.
Oh, fellow-man! avoid this place
As you would plague or Peter Funk shun;
And I hope in hell
Their souls may dwell
Who first invented Essex Junction.

"And long and late conductors tell
Of trains remote, shipwrecked and slow,
Till ee'n the engine's dismal bell
Takes up the cry: 'No go! no go!'
Oh! let me from this hole depart
By any route so 'tis a long one,"
He cried and with a sudden start
He jumped aboard a train (the wrong one),
And as he vanished in the smoke,
He shouted with redoubled unction
"I hope in hell
Their souls may dwell
Who first invented Essex Junction."

To My Cousin Jack

The following lines were dedicated to his cousin, Chief Judge Pierpoint:

Cousin, more years have flitted by
Than we might choose to tell,
Since sworn moss-troopers you and I
Have lived beneath each summer sky
So heartily and well.
And little cared we all the while
How fast those years were flying
And little marked how youth's bright smile,
That did their flight so well beguile,
From off the world was dying.

Worthy of thine old-fashioned race,
Well hast thou borne thy part,
And, spite the gathering years, we trace
Few wrinkles on thy manly face,
And none upon thy heart.
In sooth, old Time has hardly cast

A shadow on thy track,
Though, as life's summer day flies past,
The harvest moon is rising fast
Above us, Cousin Jack.

The woodcock in the tangled brake
Marks well thy whistle's note;
The deer that by the wood-fringed lake
A moment halts his thirst to slake,
For thee looks sharply out;
The wild duck, as he scuds along,
Seeth thine eye of black,
And cries with shrill, despairing tone,
"Don't shoot, old boy, I'm coming down!
I know you, Cousin Jack!"

Thou shouldst have lived in that old day,
Long famed in song and story,
Of baron bold and lady gay,
Of tournament, of feast and fray,
Love, chivalry and glory,
When faces were of hearts the token,
And hearts were true, like thine,
When manly thoughts were boldly spoken,
And healths were drunk and heads were broken
O'er sparkling Rhenish wine.

Those bluff and hearty times are gone
From off the changeful earth,
Their monuments have crumbled down,
And the sham virtues, then unknown,
Are now of passing worth.
But in the few and rare like thee,
Left to this modern day,
We sometimes yet are fain to see
That frank, old-fashioned chivalry
Has not all passed away.

When o'er the woods another fall
Its lingering charms has thrown,
My gun will hang upon the wall,
My horses learn another's call,
My dog a stranger's tone,
But still may thou, aye kindly known
On Champlain's glorious water,
Till many a year has come and gone,
Wake the wild woodland echoes on
Dead Creek and Little Otter.

GEORGE O. GRIDLEY

Born in Harwinton, Conn., September 5, 1869. He was educated in the public schools. He located in Windsor in 1899 and was at the head of a machine tool business which was built up into one of the largest manufacturing enterprises in Vermont. He has held important local offices and represented his town in the Legislature in 1916, where he was chairman of the House Fish and Game Committee, and served on the Banking and Public Buildings Committee. He was a delegate to the Republican National Convention of 1920.

G. O. Gridley

LUCIUS E. CHITTENDEN

1824-1900

Lucius E. Chittenden, great-grandson of Thomas Chittenden, Vermont's first Governor, was born at Williston, May 24, 1824. He received his early education in the district schools and the academies of Williston, Hinesburg and Cambridge, Vt. He studied law at first in the office of his uncle, Norman L. Whittemore, at Swanton, then taught school; afterwards attended the legal lectures of Judge Turner at St. Albans, studied with John G. Saxe, the poet, and Corydon Beckwith, afterwards an eminent corporation lawyer in Chicago, and was admitted to the bar in Franklin county in September, 1844. In May, 1845, he opened an office in Burlington, where he practiced with success in partnership, successively, with Wyllys Lyman, Edward J. Phelps and Daniel Roberts. Mr. Chittenden was not satisfied with his limited education and he pursued the study of Latin and several of the modern languages under private tutors. As early as 1846 he became interested in politics. He was prominent in the anti-slavery and Free-Soil movements and edited the *Free-Soil Courier* in the campaign which resulted in the election of John S. Robinson as Governor of Vermont. He was State Senator from Chittenden county in 1856-60 and an influential legislator. In 1861 he was appointed a delegate to the famous Peace Conference at Washington to take measures for averting the Civil War. In this way he became acquainted with Salmon P. Chase, President Lincoln's Secretary of the Treasury, who tendered Mr. Chittenden the office of Register of the Treasury, which he held during President Lincoln's first term. He left the treasury on account of failing health, having broken down under the excessive burdens of the office. He left poor in pocket, but without the loss of a dollar by theft, fraud or errors during his administration. After the close of the war he located in New York City, where he practiced his profession during the remainder of his life. He died at Burlington, July 22, 1900. He was the author of several books, pamphlets and speeches. These include an edition of "Reeves' Domestic Relations," with notes; "The Debates and Proceedings of the Peace Conference at Washington in February, 1861"; a centennial address on the capture of Ticonderoga, May, 1876; an address on the dedication of the monument to Ethan Allen at Burlington in 1878; "Recollections of President Lincoln and His Administration"; "The Speeches, Addresses and Letters of Abraham Lincoln"; "An Unknown Heroine, a Story of the Civil War"; "Personal Reminiscences"; "A Biography of Thomas Chittenden, the First Governor of Vermont"; and many magazine and historical articles.

He collected a library which was especially rich in rare volumes relating to the early history of his native State and to the history of engraving and printing. This collection of Vermont books was purchased, largely by private subscription, for the University of Vermont. They are now a part of the library of that institution.

ELEAZER RAY HARD

1824-1899

For more than half a century Mr. Hard was in practice in Chittenden county. He was recognized as one of the ablest lawyers at the Vermont bar. He was born at Essex, Vt., February 24, 1824, and died at Burlington, December 25, 1899. His education was in the common schools. He at first entered a law office at Jericho and later resumed his studies with David A. Smalley at Burlington. In 1845 he was admitted to the bar and shortly afterwards opened an office in Jericho. In 1852 he moved to Burlington, where he remained during the rest of his life. In practice here he had as partners at different times Levi Underwood, Jeremiah French, William G. Shaw, Henry Ballard, Alfred G. Safford, Judson E. Cushman and William H. Bliss. He was State's Attorney for Chittenden county from 1857 to 1860, and again in 1869 and 1870. In 1867-68 he represented Chittenden county in the State Senate.

Mr. Hard's life was devoted exclusively to the law. His office was not only his work-shop, but the place to meet his friends and exchange social greetings as well. It was ideal in all its appointments. He had a large and well-selected library, the rooms were spacious and convenient, and furniture substantial and attractive. Moreover, order and neatness were everywhere apparent. Here sat the counsellor all the days of the week and evenings, too, during much of his life, nor was the Sabbath kept otherwise.

Although his education must have been meagre in the beginning, yet, by self improvement, he became a master of the English language and thoroughly conversant with the best literature. His inclination was toward books and in these were his work and his recreation. His speeches, correspondence, legal documents and arguments were models in accuracy and choice English. He had, too, the gift of being fluent. His original draft of any document was almost certain not to contain any interlineations or erasures. By nature his mind was strong, his judgment quick, his endurance phenomenal, his memory retentive, his observation searching, his courage undaunted, his industry untiring, his love of knowledge intense, and his detestation of sham and incompetency bitter.

GEORGE F. EDMUNDS

1829-1919

George F. Edmunds was the greatest lawyer Vermont has produced. He was born at Richmond, this State, February 1, 1828. His education was obtained in the public schools and under a private tutor. At eighteen he began the study of law in Burlington and continued it in the office of his brother-in-law, Aaron B. Maynard at Richmond. This was in 1846-47. The two following years he was a student in the office of Smalley and Phelps at Burlington, where he was admitted to the bar in March, 1849. This was followed by a partnership with Mr. Maynard at Richmond, which continued with success until 1851, when Mr. Edmunds removed to Burlington, which afterwards became his home until his retirement from the United States Senate, when he left Vermont on account of his health and that of his family. He spent his last days in Pasadena, Calif., where he died, February 27, 1919. When Mr. Edmunds was appointed to the United States Senate, by Governor Paul Dillingham, to succeed Senator Solomon Foot, deceased, he enjoyed the largest and most lucrative practice in Vermont.

In point of legislative service in State and Nation, Mr. Edmunds fills the largest page in our history. In 1854 he made his first appearance in local politics as the Moderator of the Burlington March meeting and soon after followed his election as Representative of the town in the Legislature. He was a member of the House in 1854-55-56-57-58-59, and Speaker during the last three sessions. In 1861, against his protest, he was sent to the Senate from Chittenden county; he was re-elected to the same office in 1862, and each time was chairman of the Judiciary Committee and president *pro tempore* of that body. April 5, 1866, he began that long Senatorial career, which honored his State and country and gave him national fame. This continued until 1891, when he resigned after a service of a quarter of a century. His impress on national legislation was greater than that of any other man of his time, and for years he was the foremost Senator. His *pro tempore* presidency of the Senate is overshadowed by his real leadership. In 1876, when the question of succession to the Chief Magistracy was thrust upon the country, after the Hayes-Tilden election, Mr. Edmunds took the position of leadership in the Senate. He submitted a resolution referring a message from the House on the subject of the count of the electoral vote to a committee of seven Senators having power to prepare and report such a measure as would secure a lawful count and the best disposition of the questions connected therewith. The resolution was adopted and Mr. Edmunds made chairman of the committee appointed. In

the discussion which followed he devised the Electoral Commission bill. He was appointed on the commission and contributed efficiently to the solution of the dangerous problem.

As a lawyer, no one stood higher than Mr. Edmunds either at home or in Washington. In the field of constitutional law he was at the head. During his service as Senator he was employed in many great cases before the United States Supreme Court. Here no one outranked him in effective preparation and presentation of a case or in influence before that learned tribunal. He was employed by clients who had great interests and great sums at stake, who looked to him as the wisest counsellor and ablest advocate. The preparation of these cases necessarily consumed a good deal of time and the emoluments were large. It was at a period, however, when, not as now, it was customary for lawyers who were in the Senate, to practice in the courts, and no criticism was made because Mr. Edmunds' services were in such demand or so much employed in this regard.

His was an intense and powerful mentality. He was gifted, beyond most others, in the capacity of acquisition and assimilation of knowledge. His memory was unfailing. He saw at once the vital points in a case and these he stated with the utmost readiness on paper or orally in tense, vigorous, though sometimes homely, phrase and in the fewest words of any one at the bar. His great power of concentration and perfect system enabled him to do a vast amount of work, and so orderly and correct were his mental processes and application that he rarely changed his manuscript when once written. He was a highly technical lawyer in the days of his practice in the Vermont courts and he was accustomed all his life to employ the keenest discrimination in all his mental efforts.

LAFAYETTE WILBUR

1834-1918

LaFayette Wilbur was a conspicuous example of a useful and successful country lawyer. He added, too, to the historical literature of his State. He was born at Waterville, May 15, 1834, and died at Portland, Ore., August 11, 1918. He was educated in the common schools and at the academies in Fairfax, Bakersfield, Underhill Center and Morrisville. His period of schooling was short in each of these institutions, but he supplemented his early training by intensive reading and study throughout his long and busy life. He purchased his time of his father and by his labor and school-teaching acquired the means to attend school and prepare for his profession. He studied law in the office of Thomas Gleed at Morrisville and was admitted

in 1856. He spent most of his life in Jericho. He began practice in Underhill, but removed at the end of six months, and later in life practiced for twelve years in Burlington. Afterwards he practiced for many years in Jericho, where he had his residence until shortly before his death. When he first moved to Jericho he was the only lawyer in that vicinity and his clientele was a large one. He told his clients what the law was, drafted their legal papers, tried their cases in Justice and County Courts, and argued questions of law in the Supreme Court. He had a good library, prepared his own briefs with great care, and was often called on by other members of the profession to draw briefs for them. He was a safe lawyer, went to the bottom of a case, and industriously worked out the solution of the law that applied to it. He did much reading on any point that he was interested in and retained what he read remarkably well. He did not confine his labors to the law, but read extensively outside of his profession, and in his later years did more literary work than has been done by any present member of the bar of Vermont, with possibly one exception. In 1881 he published his first writing. It was a history of his life and contained a genealogy of his family and three addresses which he had delivered. One of these is a temperance speech, another discusses the "Philosophy of Success," and the third is a religious discourse. These addresses were carefully prepared; they are well thought out and indicate unusual strength of mind. When he was sixty-six, Mr. Wilbur wrote and published four volumes, which are entitled the "Early History of Vermont." In these books an immense amount of data is collected, some of which can be found in none of the other histories of the State. His last literary effort was the preparation of the history of the town of Jericho. This enterprise was shared with Judge Chauncey H. Hayden, Luther C. Stevens, and Rev. S. H. Barnum. This is a volume of between six hundred and seven hundred pages and is a monument to the industry of its compilers. Mr. Wilbur died at the home of his son, Ralph W. Wilbur, a leading lawyer of Portland. His other son, Rev. Earl M. Wilbur, is a prominent divine at Berkeley, Calif., and the president of the Unitarian Theological Seminary in that city. The father moved to Burlington to educate these sons and he drew great inspiration and help from them in the literary efforts of his later years.

JEREMIAH FRENCH

1835-1868

Jeremiah French early acquired success at the bar, due to his brilliant faculties. He was born at Williston, April 10, 1835. He received an academical training in his own town and was for a time

a student in the University of Vermont. In February, 1855, he entered Harvard Law School, where he graduated with honor after a full course in 1856, receiving one of the prizes awarded for a legal essay. He at once began practice in Burlington in company with Levi Underwood. He had a special aptitude for his profession and very soon had a large county court practice. He had a constant struggle with disease, and died of consumption at the early age of thirty-three, after a practice of but eleven years.

WILDER L. BURNAP

1839-1905

Wilder L. Burnap was a scholarly lawyer. He was born at Canajoharie, N. Y., September 3, 1839. His father removed to Grafton, Vt., when he was a young lad and thereafter made that town his home. The boy did not take to his father's grist and saw mill, but found his delight in books. He attended the district schools and Leland and Gray Seminary at Townshend, and in 1859 was enrolled as a student at Dartmouth College. The war broke out in his junior year and his name is found near the head of the roster of those who enlisted. He bore his part manfully in the service of his country and returned in season to graduate with honor in 1863. The same year he went to Burlington, where he entered the office of Solomon Wires as a student, and afterwards resumed his studies with Wales and Taft. While in the latter office he was Register of Probate under Judge Wales until his admission to the bar in 1866, and for a short time following. In 1868 he opened an office in Burlington for himself and began an active practice. This increased steadily and on his decease he was the leader of the bar of Chittenden county. Possessed of a wonderful memory, he not only knew the law but where to find it. He could cite you to a case in point on the instant, often giving you the volume and page where it could be found. He was not a successful jury advocate. He disliked this branch of the law; but in the preparation of briefs and special pleadings he had no superior. He was a great student and loved the law. His office was his workshop and his books were endeared as tools of his trade. His office was the Mecca to which the young lawyer fled for assistance. His industry, care in the preparation of his cases and legal acumen gave him an eminence in his profession which was generally recognized. He was a staunch Republican in politics, but not an office-seeker. In 1872 he was elected State's Attorney of Chittenden county, and in 1882 was State Senator. He held also many minor offices in the city of Burlington. In 1885 he was appointed professor of medical

HENRY T. CUSHMAN

Born in North Bennington, May 16, 1844. He was of Puritan ancestry, being a direct descendant of Robert Cushman, who sailed for Plymouth in the famous *Mayflower*. He studied at Bennington Academy, enlisted at an early period in the Civil War, and was commissioned as First Lieutenant and regimental Quartermaster, being, perhaps, the youngest quartermaster to serve in that capacity in the army. Later he was a member of the staff of Gen. Lewis A. Grant, commander of the First Vermont Brigade. After the close of the war Mr. Cushman returned to Bennington and engaged in the manufacture of fine furniture specialties. He was president of the H. T. Cushman Manufacturing Company. Mr. Cushman was Senator from Bennington county in 1910 and for eighteen years in succession was president of the village of North Bennington. He had been president of the Military Order of the Loyal Legion of Vermont; president of the Bennington Battle Monument and Historical Association; trustee of the Putnam Memorial Hospital, and president of the board of trustees of the Soldiers' Home in Bennington.

Mr. Cushman was married in 1867 to Eliza Davis Hall and five children were born to them, Arthur Hall, John Henry, William Carroll, Frederick Bennett and Caroline Eliza Cushman. He died May 11, 1922.

Henry T. Cushman

jurisprudence in the University of Vermont, succeeding Edward J. Phelps, and continued to perform its duties for ten years, when he was compelled to resign on account of his increasing practice. In 1903 he was elected president of the Vermont Bar Association and on his retirement delivered one of the most scholarly addresses ever heard before that body. At the time of his decease he was president of the Dartmouth Alumni Association of Vermont; vice-president of the University Club of the University of Vermont; chairman of the Executive Committee of the General Association of Dartmouth College; president of the Algonquin Club; and president of the Chittenden County Bar Association. He was a man of commanding personality, robust in physique, slightly above the average in height, with a well-rounded head, deep-set but penetrating eyes and favoring the Roman type in facial expression. Being well informed on all topics of the day, well versed in literature, art and sciences, and of sunny temperament, he made an enjoyable companion and friend. He died at Burlington of appendicitis, July 7, 1905.

HENRY BALLARD

1839-1906

As a successful trial lawyer, no one at the Chittenden county bar excelled Henry Ballard in his prime. He was born at Tinmouth, Vt., April 20, 1839, and died at Burlington, September 23, 1906. He prepared for college at Castleton Seminary and graduated at the University of Vermont in 1861. He entered the army and served in the Peninsular Campaign and was present at the battles of Lee's Mills, Williamsburg, and the Seven Days' fight before Richmond. He was compelled to resign from the army in July, 1862, on account of ill health. In September following he entered the Albany Law School and completed his course in 1863. He was a good student and received flattering commendation from his instructors. He removed to Burlington at once after his graduation and entered the office of Daniel Roberts, where he remained until his admission to the bar in September of that year. He then opened an office in Burlington. In politics he was a Republican. In 1878 he was elected to the State Senate and in 1888 represented Burlington in the Legislature. In 1884 he was a delegate to the Republican National Convention at Chicago, where he was chairman of the committee on credentials. He was an effective public speaker and from 1868 until shortly before his death his services on the stump were in demand in Vermont and other States. He sometimes made as many as one hundred speeches in a campaign. He was a ready speaker upon all occasions, frequently

appearing on the lecture platform. For years he was a member of the Webster Historical Society of Boston and of the American Institute of Civics, New York City. He was a charter member of the Vermont Commandery of the Loyal Legion and of various social clubs.

Early in practice Mr. Ballard won wide reputation as a trial lawyer, particularly in criminal cases. It is said of him that for thirteen years he defended criminal cases in Addison county without a defeat. For many years his strong will kept alive his frail body, which was inclined towards tuberculosis, and made him the hardest antagonist for his opponent as well as the most trying disputant for the court. He was slow, emphatic and exhaustive and no fretting by counsel or snubbing by court could stop him. He moved the jury also, for he had a keen discernment for the elements of the case which affect the judgment of the jury. He took hold with them and did not let go until he had convinced the panel, or at least some of them. It sometimes seemed as if he bore down on them until he had exhausted them and then took their wills captive. He was sure to carry the large audience along with him, which invariably filled the court room whenever he spoke, and the response of his listeners in quiet signs of approval too often had its effect on the jury. He participated in many important trials, both civil and criminal, and usually took the leading part on his side.

He was a delightful companion, especially during his later years; but it was a greater pleasure for his brother attorneys to meet him out of than in court. But toward the close of his life his manner in court changed and he was more inclined to conform to the better conventions of the bar.

RUFUS E. BROWN

1854-1920

Rufus E. Brown was born at Dickinson, Franklin county, N. Y., December 3, 1854, and died at Burlington, June 15, 1920. He was educated in the common schools, at Lawrenceville Academy and at Amsterdam Academy. He graduated from the latter school in 1876 and soon thereafter commenced to study law in the office of Wales and Taft at Burlington. He was admitted in 1880, but did not begin practice in Vermont until 1891, when he opened an office in Burlington, where he continued to practice with great popularity as a lawyer until his death. He was State's Attorney from 1894 to 1900; County Senator in 1900; City Attorney from 1902 to 1904; president of the Vermont Bar Association in 1911; Attorney-General from 1912 to 1914; and Judge of the Burlington Municipal Court for a short period in 1919.

Mr. Brown was the leading trial lawyer in his county for many years and was active in trial work for a good deal of the time during the latter years of his practice. His labors in this regard extended into most of the counties in western Vermont. He was eminently successful in his practice and enjoyed to a marked degree the confidence of his associates at the bar and the Judges of the courts. It is doubtful if there was another lawyer in practice in the State who was as frequently called in to assist other counsel in cases, or one whose aid was as eagerly sought or satisfactorily received. He was sure to answer with the full measure of his ripe judgment and fine ability whether the call came from the poor or the rich, the high or the lowly. He took little note of what his fee should be or whether it would ever be paid. Service was the principal thing with him and this he enjoyed for the work's sake. It naturally followed that the rewards that come to a few in the profession were not for him. Such a lawyer is bound to live and die a poor man by the standards of this world. What was true of his work as a lawyer applies also to his attitude towards his friends who were in need of political assistance. On his own initiative and at his own expense he would enlist himself in the cause of his friends, canvass his county for some local aspirant or go to Montpelier and canvass the members of the Legislature for some one who was looking for higher honors—and fortunate was the man who had the benefit of his assistance.

As a lawyer the bottom for his success was his true judgment. He was as sure as any human person could be not to make any mistakes. He had the rare sense to know what to do and what not to do in the trial of a case and no one had a finer intuition as to how the case was being received in the jury box. When the case came to him he outlined the course it should take in his client's interest, and this was decided upon without much regard to the law books, but rather along lines of common sense and human experience. He would follow his plan with fewer false motions than any one at the bar, and it was very difficult to win a case from him if the evidence was not strongly in his opponent's favor. In the trial of all kinds of cases for a quarter of a century Mr. Brown was easily the favorite with local jurors, as his success in getting verdicts attests. He was strong with the courts, too, for he was invariably fair and honorable and made no claims that did not come within the scope of good argument. In his work as State's Attorney he tried many important cases in which he was opposed by able counsel and his success was marked. His skill as a trial lawyer was put to the test in his work as Attorney-General, and he was never found wanting in the discharge of any of his duties in that office.

As a cross-examiner, he had few peers. I saw the last of his work in court. It was in a will case where much was involved. Mr. Brown

was trying to break the will and it became his duty to cross-examine two attorneys of his own bar who had to do with drawing the will. It was a delicate task and was performed at a time when Mr. Brown was enduring great physical suffering and so weak that he was obliged to steady himself on the rail of the bar as he carried on the long examinations. His voice was never raised above the conversational tone and no sharp words were spoken, but every question called for just the truth he was seeking, and the transcript, if it is ever written, will disclose one of the cleverest bits of cross-examination in our court records. The exhausting labors of this case were too much for Mr. Brown, who had not been well for several years, and he was obliged to retire from the case before it was finished and died soon after.

DAVID J. FOSTER

1857-1912

David J. Foster was born at Barnet, June 27, 1857, and died at Washington, D. C., where he was serving as a member of Congress from Vermont, March 21, 1912. He graduated from St. Johnsbury Academy in 1876 and from Dartmouth College in 1880. He was admitted to the bar in 1883 and practiced at Burlington until 1901, when he entered Congress. He was State's Attorney of Chittenden county from 1886 to 1890; County Senator from 1892 to 1894; Commissioner of State Taxes from 1894 to 1898; chairman of board of Railroad Commissioners from 1898 to 1900. He was elected to Congress to succeed Judge H. Henry Powers in September, 1900, and began his first term March 4 following. Here he remained until his decease. He was chairman of the Committee on Foreign Affairs, was active in procuring legislation for the improvement of the consular service, and was an important factor in bringing about the rural free delivery of the mails. He represented his country at the centennial celebration in Mexico in 1910. He was an active supporter of President Taft's peace policy and delivered addresses on the subject of peace in all parts of the country. In 1911 he was chairman of the delegation of the United States to the General Assembly of the International Institute of Agriculture at Rome.

Mr. Foster was an astute lawyer and an eloquent advocate and orator. He had great charm of manner and enjoyed a large circle of personal friends.

JUDSON E. CUSHMAN

1860-1916

Judson E. Cushman, of Burlington, was born at Braintree, April 27, 1860, the son of Earl S. and Mary E. (Lamb) Cushman. He was educated in the public schools and at the Randolph State Normal School. He taught school in the villages of South Royalton and Richmond, studied law in the office of Nelson L. Boyden at Randolph, was admitted to the bar in 1886 and began practice at Randolph. In August, 1887, he removed to Burlington and formed a partnership with Eleazer R. Hard, which lasted for several years. Later he formed a partnership with Edmund C. Mower, which lasted from 1896 to 1900. He was State's Attorney of Chittenden county from 1890 to 1894; professor of medical jurisprudence in the medical department of the University of Vermont from 1895 until his death, and Commissioner of State Taxes from 1900 until 1912. He was an able and painstaking lawyer, an active and conscientious State's Attorney, and the first real tax commissioner that the State had. He brought the files and records of the office from Vergennes, where his predecessor resided, in a small package which could be carried in the hands, and under his leadership the office became one of the important departments of the State government and one of the principal sources of revenue. He was untiring in his efforts for the good of the State, was the author of much of the legislation that made the office important and drafted the bills that later became laws for the collection of the State revenues. He died at Burlington, February 12, 1916.

PRESENT MEMBERS OF THE CHITTENDEN COUNTY BAR

George L. Agel, of Burlington, was born in Boston, Mass., December 2, 1898, and was educated in the public schools of the city of Burlington; graduated from the Burlington High School in 1916 and from the Boston University School of Law in 1919; studied law with John S. Dorsey of Rutland, Vt., and also R. E. Brown, late of Burlington, was admitted to the Vermont bar in 1921, and is located in Burlington in practice.

Warren R. Austin, of Burlington, was born at Highgate Center, November 12, 1877. He was educated in the common schools, at Brigham Academy, and at the University of Vermont, where he graduated in 1899. He studied law in the office of his father, Chauncey G. Austin, at St. Albans and was admitted in 1902 to the bar of Vermont and in 1914 to the bar of the United States Supreme Court,

and in 1917 to the bar of the United States Court for China. He practiced at St. Albans from 1902 to 1916, was employed in legal work in China in 1916 and 1917 and since the latter date has practiced in Burlington. He was State's Attorney of Franklin county in 1904; Mayor of St. Albans, 1908; United States Commissioner, 1908-1918; Representatitve to the Congress of the Mint, 1912.

Mr. Austin's employment in China was in behalf of the American International Corporation. He was engaged to assist its officers and the officers of the Seims-Carey Railway and Canal Company in the negotiation of two loans to the Republic of China. One of these aggregated approximately $100,000,000 for the National Railways, and the other $30,000,000 for national conservation work and the dredging of the Grand Canal. This employment finally involved negotiations with Japan, which related to that part of the canal which was in Shantung Province. Mr. Austin was also required to act as attorney for other corporations and projects in which the American National Corporation was interested in the Orient. These were the International Banking Corporation, The Pacific Mail Steamship Company, The Manchurian Development Company, The China Corporation, and the Carter-Macy Company, Limited.

Ezekiel A. Ashland, of Burlington, was born at Champlain, N. Y., June 10, 1859. He was educated in the common schools and at the New York State Normal School at Potsdam. He studied law with Wilmer H. Dunn at Champlain, N. Y., and in the office of Wilson and Hall in St. Albans. He was admitted in 1887 and practiced at St. Albans until 1906, when he removed to Burlington, where he has since practiced. Mr. Ashland was City Grand Juror and Justice of the Peace in St. Albans. He was also Register of Probate and acting Judge of Probate for Franklin county, and for a time was assistant to the County Clerk.

Clark C. Briggs, of Burlington, was born in Franklin, April 6, 1871. He graduated from the Burlington High School in the class of 1890, and from the University of Vermont in the class of 1894. He graduated at the Columbian Law School, Washington, D. C., in 1897, and studied law at Burlington in the office of Charles T. Barney. He was admitted in 1897 and has practiced at Burlington since his admission.

Guy W. Bailey, of Burlington, was born at Hardwick, May 7, 1876. He was educated at the Burlington High School, where he graduated in 1896, and at the University of Vermont, from which he graduated in 1900. He studied law in the office of Brown and Taft at Burlington and was admitted in 1904. His practice was at Essex

Junction. He was a member of the House, 1904-1906; Commissioner to edit Public Statutes, 1906; Secretary of State, 1908-1917. After his retirement from the office of Secretary of State he became Comptroller of the University of Vermont. Following the resignation of President Benton in 1919 he was acting president of the University, and in 1920 was elected president.

Henry A. Bailey, of Winooski, was born at Winooski, January 22, 1893. He graduated at the Burlington High School in 1911 and at the University of Vermont in 1915, and at the Harvard Law School in 1918. He studied law in the office of Rufus E. Brown at Burlington, was admitted in 1918, and has practiced at Winooski and at Burlington since his admission, except during the time he was in the service of the government during the World War. He was, until the death of Rufus E. Brown, associated with him in practice at Burlington. After serving four months in the infantry he was called to Washington as Special Assistant to the Solicitor of the State Department and later became Law Clerk in the same department, where he was employed for nearly a year in a computation of the losses inflicted upon American citizens on land and sea, both by military authority and civil confiscations, by the Germans, Austrians, Bulgarians and Turks, for the purpose of fixing the indemnity to be paid by the nations named. He was elected from Colchester to the General Assembly in 1920.

Charles F. Black, of Burlington, was born in Burlington, March 5, 1884. He graduated at the Burlington High School in the class of 1902, at the University of Vermont with the degree of Ph. D. in the class of 1906, and at the George Washington University Law School with the degree of LL. B. in 1910. He studied law at Burlington in the office of Judson E. Cushman, was admitted to the bar of the District of Columbia in 1910 and to the bar of Vermont in 1911. He practiced at Washington, D. C., 1910-1911; at Burlington, 1911-1915; was general attorney of the Central Vermont Railway Company at St. Albans, 1915-1919; and since 1919 has been in general practice at Burlington. He represented Burlington in the House of Representatives in 1915.

Chauncey W. Brownell, of Burlington, was born at Williston, October 7, 1847. He was educated in the academies at Williston and Alburg and at the University of Vermont, where he graduated in 1870. He studied law in the office of Wales and Taft at Burlington and at the Albany Law School, where he graduated in 1872. He was admitted in Vermont and New York the year of his graduation at Albany and has practiced at Burlington. He was State's Attorney,

1884-1886; Assistant Secretary of the Senate, 1874-1880; Secretary of the Senate, 1880-1890; Secretary of State, 1890-1898; State Senator, 1902-1903; and President *pro tempore* of the Senate. He is a director of many corporations and is extensively engaged in farming.

Vernon A. Bullard, of Burlington, was born at Hyde Park, October 14, 1858. He was educated in the public schools, at Central Academy, Hyde Park, and at the State Normal School at Johnson, where he graduated in 1880. He studied law at the University of Michigan, where he obtained the degree of LL. B. in 1884, and before this time had studied in the office of Brigham and Waterman at Hyde Park. He practiced his profession at Underhill from 1884 to 1894, when he removed to Burlington, where he has since practiced. He represented Underhill in the House in 1890, held various town offices from 1884 to 1894 while residing in Underhill; was United States inspector of Customs from 1892 to 1896; chairman of the Vermont delegation to the Democratic Convention at St. Louis in 1904; member of the School Board in Burlington from 1904 to 1911 and chairman for the last four years; member of the House from Burlington in 1904; City Attorney in 1905; and United States Attorney for the district of Vermont since March, 1915.

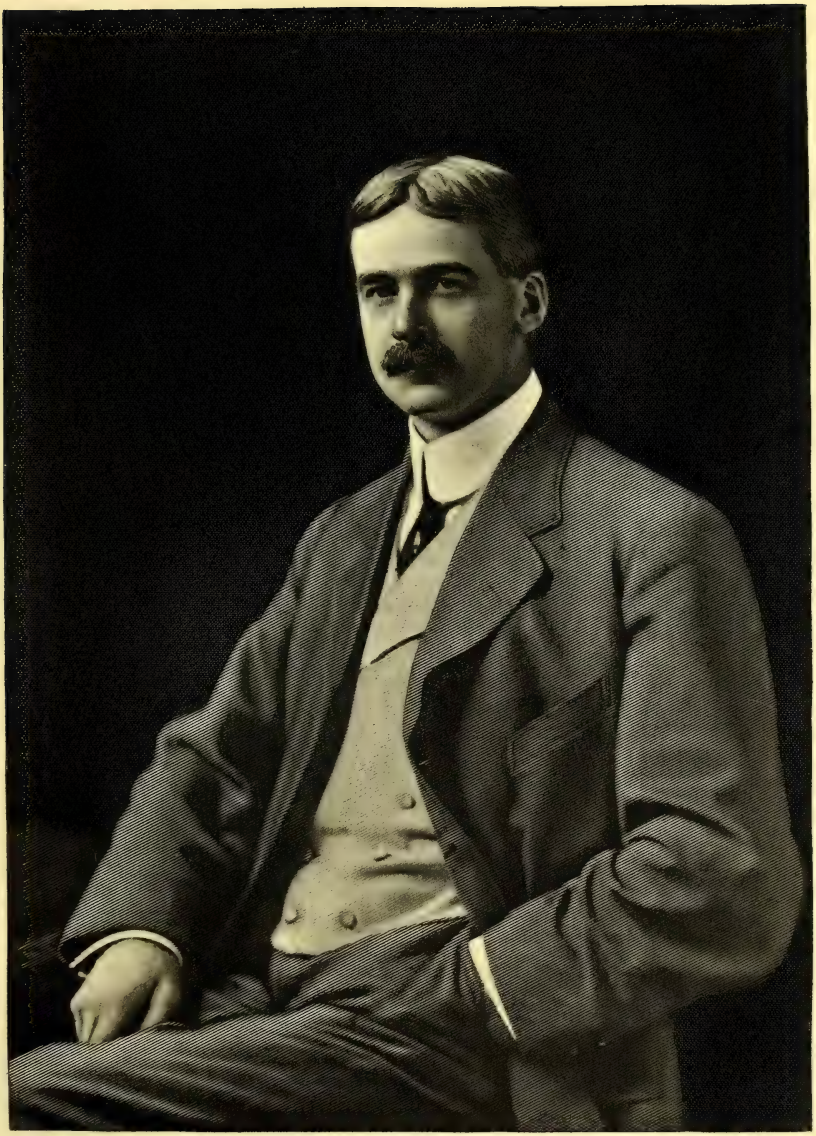
Mr. Bullard's career at the bar has been an active one. He has been engaged usually in the important cases tried in the local courts and has enjoyed a large clientage on the part of those who were seeking advice in important and intricate business matters. His predominant quality is that of force. He tries a case effectively, examines and cross-examines witnesses with skill, and is eloquent and persuasive in argument. He is strong with the jury and his aggressive manner in cross-examination is usually taking with the members of the panel. In the prosecution of the criminal law in the Federal Court he has been very successful. The administration of his office during the late war was particularly efficient.

Henry Conlin, of Winooski, was born at Milton, June 25, 1867, was educated at the high school in Milton, and studied law in the office of H. F. Wolcott at Winooski and in the office of J. W. Russell at Burlington. He was admitted in 1897 and from his admission until 1919 was in practice at Winooski. He was a member of the House, 1906-1908; village clerk ten years; Library Commissioner twelve years; Judge of Winooski Municipal Court, 1909-1919; Clerk of the United States District Court since April 21, 1919.

Clarence P. Cowles, of Burlington, was born at Albany, Vt., August 30, 1875. He graduated from St. Johnsbury Academy in the class of 1894, from Princeton College in the class of 1898, and from

FRANK H. BROOKS

Born in St. Johnsbury, Vt., November 24, 1868. He was educated in the public schools and at St. Johnsbury Academy. For several years he was the active head of the St. Johnsbury Scale Works and president of the First National Bank of St. Johnsbury. He was a member of the commission to investigate the educational system of Vermont and for nearly ten years a member of the State Board of Education.



Samuel N. Brooks

the New York Law School in 1901. He was admitted to the bar in Brooklyn in 1901 and for two years was in the office of Alexander and Colby in New York. He was admitted to the bar in Vermont in 1904 and has since practiced at Burlington.

Charles H. Darling, of Burlington, was born at Woodstock, May 5, 1859. He was educated at Green Mountain Perkins' Academy, Montpelier Seminary, and Tufts College. From the latter he graduated in 1884 and received the degree of LL. D. in 1903. He studied law in the office of Norman Paul at Woodstock and in the office of Powers and Powers at Houlton, Me. One of his tutors in Maine later became Governor and the other Attorney-General. He was admitted in 1886 and began practice in Bennington soon after, where he continued until he went to Washington in the fall of 1901 to accept the position of Assistant Secretary of the Navy. While in Bennington he was a partner of Judge Orion M. Barber in the law firm of Barber and Darling. He was appointed Municipal Judge of Bennington in 1887 and reappointed by each successive Governor until he left for Washington. He represented Bennington in the House in 1896; he was president of the Vermont Bar Association in 1899-1900. In 1905 he resigned his position in Washington to accept the office of Collector of Customs for the district of Vermont, which place he continued to hold until 1914. He is a trustee of Tufts College and president of the board of trustees of Goddard Seminary.

Judge Darling was in practice at Burlington to a limited extent during the administration of his office as Collector and since his retirement from the same has been in active practice. He enjoys a large and important clientage, and has been called to the discharge of important private trusts. He is frequently called upon for public addresses and to preside over meetings of a public nature in Burlington.

John J. Enright, of Burlington, was born at South Burlington, April 6, 1861. He was educated in the district school at South Burlington and graduated at the Burlington High School in 1877. He studied law in the office of Hamilton S. Peck and in the office of Henry Ballard at Burlington, was admitted to the bar in 1882 and has since practiced at Burlington. He is United States Commissioner at the present time.

Clarence J. Ferguson, of Burlington, was born at Westford, January 8, 1860. He was educated at the Essex Classical Institute and the Burlington High School, studied law in the Boston University Law School and with Wilder L. Burnap at Burlington. He was admitted in 1892 and has practiced at Burlington since admission.

Eugene W. J. Hawkins, of Burlington, was born at Starksboro, July 28, 1851. He was educated in the common and select schools in his native town and studied law in the office of his father, Ansil M. Hawkins, at Starksboro. He was admitted in 1873 and practiced at Starksboro from the date of his admission until 1890, when he removed to Burlington. He held several town offices in Starksboro, was State's Attorney of Addison county, and in Chittenden county has held the office of Justice of the Peace, that of License Commissioner, Alderman of the City of Burlington, and City Judge.

Theodore E. Hopkins, of Burlington, was born at Aurora, Ill., January 27, 1874. He was educated in the common schools of Champaign, Ill., and at Toledo, Ohio, and at the Burlington High School and the University of Vermont, where he graduated in 1895. He studied law with Rufus E. Brown at Burlington and was admitted in 1899. He has practiced at Burlington with the exception of a few months in 1900, when he was associated with Joseph C. Enright at Windsor. He was County Auditor, 1902-1912; State's Attorney, 1912-1917; and member of the House, 1919.

Ezra M. Horton, of Burlington, was born at Vergennes, December 28, 1869. He was educated in the public schools and at the University of Vermont. He studied law at Burlington with David J. Foster, Julius W. Russell and M. A. Bingham, and was admitted in 1900. He has practiced at Burlington since his admission. He was Register of Probate, 1898-1900; City Attorney, 1912-1913; Grand Juror and Justice of the Peace. He was elected State's Attorney of Chittenden county in 1920.

Harry S. Howard, of Burlington, son of Gen. O. O. Howard, was born at Washington, D. C., July 25, 1869. He was educated in the public schools and in the Omaha High School. He graduated at the New York University Law School in 1899. He studied law in the office of Hamilton S. Peck at Burlington, was admitted in 1900 and has practiced there since. He is a Justice of the Peace.

Jed P. Ladd, of Burlington, was born at Alburg, November 9, 1867. He was educated in the district school at Alburg, at the St. Albans High School, Rock Point Institute, under a private tutor, and at Cornell University. He studied law in the office of his father, Jed P. Ladd, at Alburg, was admitted in 1894, and has practiced at Alburg and at Burlington. He was State's Attorney in Grand Isle county and school director, and at Burlington has been a Justice of the Peace and was Judge of the Burlington City Court from 1919 to 1921.

Leon D. Latham, of Milton, was born at Royalton, September 21, 1874, and was educated in the common schools of Royalton and at the Randolph High School. He studied law in the office of Joseph D. Denison at Randolph, and was admitted in 1897. He located in Milton in 1899 and has remained there since. He is Town Clerk and Treasurer and Town Agent. He was a member of the House in 1906.

Matthew G. Leary, of Burlington, was born at Jericho, May 5, 1873. He was educated in the common schools and at the Green Mountain Seminary. He studied law in the office of C. F. Clough at Waterbury, in the office of Farrington and Post at St. Albans, and was admitted in 1899. He practiced from his admission until 1902 at Richmond, and has since practiced at Burlington. He was State's Attorney, 1902-1904; City Attorney, 1905-1908; member of a commission to propose amendments to the Constitution, 1909; member of the House, 1908; and Referee in Bankruptcy since 1915.

Edward J. Lockwood, of Burlington, was born at Brandon, December 22, 1886. He prepared for the law at the Boston University Law School, where he graduated in 1917, and in the office of Lawrence, Lawrence and Stafford at Rutland. He was admitted in 1917.

Joseph A. McNamara, of Burlington, was born at Fair Haven, August 4, 1892. He was educated in the grammar and high schools at Fair Haven and at Holy Cross College, where he graduated in 1915. He studied law in the office of Thomas W. Moloney at Rutland and at the Harvard Law School, where he remained from 1915 to 1918, but was prevented from graduating because of entering the United States Army for service in the war with Germany. He has practiced since October, 1919, in Burlington, the same being the date of his admission. He is Judge of the Burlington Municipal Court.

James H. Macomber, of Burlington, was born at Westford, April 18, 1867. He was educated at the St. Johnsbury Academy and the University of Vermont. He studied law at the Boston University Law School and with John W. Redmond at Hyde Park and with David J. Foster at Burlington. He was admitted to the bar of this State and Massachusetts in 1895, and has since practiced at Burlington. He was City Clerk in 1903; City Attorney, 1907-1909; Judge of Probate, district of Chittenden, since December, 1910.

Allen Martin, of Essex Junction, was born at Williamstown, August 14, 1875. He graduated at St. Johnsbury Academy in 1893 and studied law in the office of John W. Gordon at Barre. He was

admitted in 1898 and has since practiced at Essex Junction. He represented Essex in the House in 1908, has been Town Clerk since 1902, and State's Attorney from February 1, 1917 to February 1, 1921.

John H. Mimms, of Burlington, was born at Southwark, Surrey County, England, February 19, 1852. He was educated at the Queen Elizabeth School, London, passed the required examination and was selected for admission to Oxford or Cambridge, but did not attend. At fourteen years of age he left school and went to work to earn his own living. He came to America in 1874 and began employment as a shorthand clerk with the Grand Trunk Railway in Montreal. He traveled in the same capacity with Dr. O. S. Fowler, the celebrated phrenologist, the following year. In 1875 he came to St. Albans and was employed as a stenographer in the office of the Central Vermont Railway Company. His first work as a stenographic reporter was in the Central Vermont investigations before Paul Dillingham, Dudley C. Denison and John L. Edwards, special masters. His first appointment as a Court Reporter came in 1876, when he was given the counties of Franklin, Grand Isle, Orange and Lamoille. He has reported since then in every county in the State, either temporarily or by permanent appointment. He moved to Burlington in 1909, having been appointed official reporter of Chittenden county. He reported for this county and Windsor and Grand Isle until 1914, when he opened a law office in Burlington and resigned as the reporter in Windsor county. He had studied law while residing in St. Albans in the office of Davis and Stevens and at the Columbia Law School and had been admitted in 1882. He has practiced at Burlington since 1914 and at the same time has reported for this county and Grand Isle. He was appointed chief of staff by Governor Stickney with the rank of Colonel. He was elected secretary of the Vermont Bar Association in 1890 and held that office and that of Treasurer until 1918, when he resigned. He was for eight years Captain of Co. B., V. N. G., St. Albans, and then Major and Lieutenant-Colonel of the First Regiment. In the last office he served in the Spanish-American War and commanded the regiment for most of the time while in service.

John Morton, of Richmond, was born in Georgia, January 18, 1877, and was educated at the St. Albans High School. He studied law at the Boston University Law School, at the Albany Law School, and with Vernon A. Bullard at Burlington. He was admitted to the bar in 1902 and has since practiced at Richmond. He has held several town offices.

Edmund C. Mower, of Burlington, was born in Morristown, February 22, 1869. He was educated at the People's Academy, 1884-

1888; University of Vermont, 1888-1892; University Law School, New York City, 1894-1896. He studied law in the office of Judson E. Cushman at Burlington and was admitted in 1896 and has since practiced at Burlington. He was State's Attorney, 1900-1902; Municipal Judge, 1905-1911; State Senator, 1915-1917; Trustee, University of Vermont, 1907-1917; vice-president, Burlington Trust Company from 1910 to 1920; and is professor of constitutional and commercial law in the University of Vermont.

Guy M. Page, of Burlington, was born at Cambridge, May 15, 1886. He graduated at the Bristol High School, class of 1903; University of Vermont, class of 1907; Boston University Law School, class of 1910. He studied law in the office of Darling and Mower at Burlington and was admitted in 1910, and has practiced at Burlington since admission. He was Assistant Secretary of the Vermont Senate, 1908-1915; Secretary, 1915 to 1919; member of the Republican State Committee, 1917 to date.

Joel W. Page, of Burlington, was born at Waterville, September 5, 1852. He was educated in the State Normal School at Johnson, at People's Academy, and at Montpelier Seminary. He studied law at the University of Michigan Law School with Henry R. Start at Bakersfield and with Brigham and Waterman at Hyde Park. He was admitted in 1878, practiced at Waterville for five years, then at Jeffersonville until 1893, when he removed to Bristol, where he remained until 1903. Since 1903 he has resided at Burlington. He was State's Attorney of Lamoille county, 1890-1892.

P. Marrs Page, of Burlington, was born at Chesterfield, N. Y., December 12, 1866. He was educated at the Essex Institute and studied law with Marshall H. Alexander at Jericho and at the Boston University Law School. He was admitted in 1899 and practiced at Jericho from the time of his admission until 1914, when he removed to Burlington.

Hamilton S. Peck, of Burlington, was born at Royalston, Mass., October 22, 1845, and was educated at the University of Vermont. He studied law in the office of Wales and Taft at Burlington and was admitted in 1873. He has practiced at Burlington since admission and has held the following offices: State's Attorney, 1878-1879; Alderman, 1883-1884; City Judge, 1888-1894; Mayor, 1896-1898; City Representative, 1910-1912; Senator, 1917-1918; City Attorney, 1916, 1917, 1918.

Max L. Powell, of Burlington, was born at Richford, April 26, 1869. He was educated at the Richford High School, at Vermont

Academy, where he graduated in 1885, at the University of Vermont, where he graduated in 1889, and at the University of Geneva, Switzerland, where he graduated in 1892. He studied law with his father, E. Henry Powell, at Burlington, and was admitted to the bar in 1893. He was Deputy Auditor in 1888-1892; Assistant Clerk of the House in 1892; Secretary of Civil and Military Affairs in 1894; Secretary of the Senate, 1896-1900; Senator, 1910 and 1915; Captain and A. D. C., Vermont National Guard.

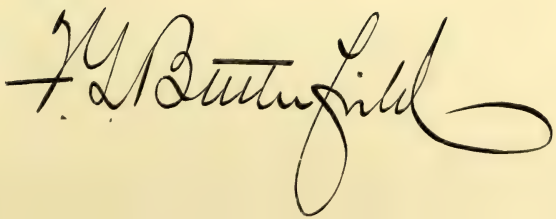
Robert Roberts, of Burlington, was born at Manchester in 1848. He was educated at the Burlington High School, Burr and Burton Seminary, and at the University of Vermont, where he graduated in the class of 1869. He studied law with his father, Daniel Roberts, and at the Columbian Law School, and was admitted to the bar in 1871. He has resided in Burlington since his admission except during the years of 1876 and 1877. He represented Burlington in the House in 1882; was Senator in 1900-1902; City Attorney, 1887-1889; Mayor, 1899, 1900, 1901, 1910, 1912.

Charles J. Russell, of Burlington, was born at Bridport, March 31, 1859, and was educated in the common schools of Bridport and Cornwall, at Beeman Academy, Castleton Normal School, Howard Medical College, Washington, D. C., Union University, Law Department, Albany, where he graduated in 1901. He was admitted to the bar of Vermont in 1901 after studying in the office of David J. Foster at Burlington, and at once formed a partnership with him, and the next year Cornelius L. Palmer joined the firm. Doctor Russell continued a member of the firm until December 1, 1905, when he became County Clerk. Doctor Russell practiced medicine in the towns of Monkton and Hinesburg from 1883 to 1898 and held numerous town offices; he twice served as chairman of the Republican County Convention and in 1892 was County Senator.

Henry B. Shaw, of Burlington, was born at Burlington, November 30, 1873. He was educated in the public schools of Burlington and at the University of Vermont, where he graduated in 1896. He graduated at the Harvard Law School in 1900 and was admitted to the bar of Michigan in 1900 and to the bar of Vermont in 1902. He practiced at Detroit, 1900-1902, and since 1902 has practiced at Burlington. He was State's Attorney, 1908-1912; State Senator, 1915-1917; Commissioner on uniform laws, 1913-1917; Major, Judge Advocate, U. S. A., 1917-1918; member of Board of Contract Adjustment, War Department, November 10, 1919, to date. Appointed Judge of the Burlington City Court, February 1, 1921. He was appointed

FRANKLIN G. BUTTERFIELD

Born in Rockingham, Vt., May 11, 1842. He was educated in the public schools and at Saxtons River Academy. He entered Middlebury College but left during his junior year, in 1861, to enter the Union Army. After the war, the college gave him the degree of A. M. In 1912 he was regularly graduated as of the class of 1863, with the degree of A. B. He enlisted as a private in Company A, 6th Vt. Volunteers. He was promoted through the various commissioned grades until at the age of twenty-two he was Lieutenant Colonel, commanding the regiment. During the Chancellorsville, Gettysburg and Mine Run campaigns he served as aide-de-camp on the staff of Gen. L. A. Grant, commanding the Vermont Brigade. He was mentioned in general orders for conspicuous bravery and was awarded a medal of honor by Congress. He resigned in 1864 as a result of wounds received in battle. From 1865 to 1877 he engaged in mercantile pursuits at Saxtons River. He studied law but before his admission to the bar he was appointed Supervisor of Census for Vermont. He was also sent to South Carolina to investigate the alleged census frauds. Later he was transferred to the Bureau of Pensions, where he occupied positions of great responsibility. Having become associated with his brother in the manufacture of taps and dies at Derby Line, Vt., he resigned from the government service in 1892. He held the office of Judge Advocate General of Vermont. He represented Derby in the Legislature in 1898, was a Senator from Orleans county in 1910 and was a Presidential Elector in 1908. He married Maria Smith in 1866 and two children, Benjamin F. and Esther E., were born to them. General Butterfield died January 6, 1916.



Secretary of Civil and Military Affairs by Governor Hartness to succeed Judge Willcox and resigned in September, 1922.

Alfred L. Sherman, of Burlington, was born at Charlotte, April 23, 1870. He was educated in the common schools of Charlotte, Castleton Normal School, from which he graduated in 1887, Vermont Academy, St. Johnsbury, and the University of Vermont. He graduated at the Boston University Law School in 1898 and prepared for the bar by study in the office of his brother-in-law, Judson E. Cushman, at Burlington. He was admitted in 1898 and has since practiced at Burlington. For five years he was a partner of Mr. Cushman. He was State's Attorney, 1904-1908, and City Attorney, 1914 and 1915.

Adrian J. Simays, of Burlington, was born at Burlington, July 7, 1892. He studied law at Georgetown University, where he graduated in 1917. He prepared for admission in the office of Cowles and Stearns at Burlington and was admitted in 1917. He was in army service from May, 1918, to July, 1919, and is now engaged in practice at Burlington.

Levi P. Smith, of Burlington, was born at Burlington, August 30, 1885, and was graduated from the Burlington High School in 1904 and from the University of Vermont in 1908. He studied law at the Law School of Harvard University and was graduated in 1911 and admitted to the bar of Vermont the same year. He has practiced at Burlington since admission. He is vice-president of the Burlington Savings Bank.

Wesley A. Sturges, of Burlington, was born at Fairfield, November 3, 1893. He prepared for the law at the Columbia Law School, 1915-1919, and was admitted to the bar of Vermont the latter year. Since his admission he has practiced at Burlington.

Elihu B. Taft, of Burlington, was born at Williston, March 25, 1847. He was educated at the Williston Academy and at the University of Vermont, and studied law in the office of Wales and Taft at Burlington; was admitted to the bar in 1873 and has since practiced in Burlington. He was State Senator in 1888-1889, and has held the offices of School Commissioner, Alderman and City Attorney.

Martin S. Vilas, of Burlington, was born in Colchester, March 1, 1870. He graduated at the Burlington High School and at the University of Vermont, studied law in the office of Henry Ballard

in Burlington, and was admitted to the bar of this State in 1902, to the bar of California in 1913, and to the bar of the State of Washington in 1915. He has practiced at Burlington since his admission with the exception of the year from September, 1913, to October, 1914, when he was in practice in San Francisco. He was City Attorney of Burlington for two terms; United States Commissioner for the district of Vermont; member of the Senate, 1917-1923.

Fred G. Webster, of Burlington, was born in Braintree, July 21, 1872. He was educated in the public schools of Braintree and Randolph, and graduated at the high school in the latter place in 1893. He studied law in Burlington with S. M. Flint and Rufus E. Brown, was admitted in 1899 and has since practiced in Burlington. He held the office of Grand Juror in 1904, 1908 and 1909.

Clarence R. White, of Burlington, was born at Colchester, November 10, 1888. He studied law at the Law School of Columbia University, where he graduated in 1914, and with Theodore E. Hopkins at Burlington. He was admitted in 1915 and has since practiced at Burlington, where he has held the office of City Grand Juror for two terms.

Howard F. Wolcott, of Winooski, was born at Leroy, Ohio, June 26, 1849. He was educated at Ypsilanti, Mich., and at Oberlin College. He studied law in the office of Oscar E. Butterfield at Wilmington and was admitted in 1876. He practiced at Jamaica, 1876-1883; since 1883 he has practiced at Winooski. He has been Town Agent, Grand Juror, Justice of the Peace, License Commissioner, and Municipal Judge at Winooski.

ESSEX COUNTY

BY an Act of the General Assembly passed November 5, 1792, Orange and Chittenden counties were divided and limited, and from the two counties were constituted the counties of Franklin, Caledonia, Essex and Orleans. Orange county was limited to twenty towns, Caledonia to twenty-one and Essex embraced all the remaining towns of Orange county except Greensboro, Glover, Barton, Brownington, Navy, Caldersburgh, and Holland. It was provided by the act constituting these new counties that the court business should be done in certain other counties until such time as the courts were established in the new counties.

Essex county was not organized until 1800. The first term of the county court was held at Lunenburg in December of that year; the second term was held at Brunswick on the third Monday of June, 1801, the third term at Lunenburg in December, 1901. Meanwhile Guildhall had been made the county shire and here the fourth term of court was held on the third Monday of June, 1802. In September, 1797, Eben W. Judd granted land to the county on which to build a court house and jail. This grant included the hill back of the common in Guildhall, on which the first court house was built. The first jail was an old block house. The first court house probably was built soon after 1800 and the jail in 1808 or 1809. In 1831 the court house was removed to the common, in front of the hill where it formerly stood, and was rebuilt, serving for many years as a court house, church and district school house. The present court house was built in 1850 and the present brick jail in 1885. The court house has been thoroughly remodeled on the inside within recent years and is admirably adapted to the needs of the county. It has an office for the County Clerk and a room for lodging the jury when they are obliged to be kept together. Like Newfane, the town of Guildhall has no resident lawyer; neither has it a hotel. The court house is the central place for meeting when court is in session, on the part of attorneys, jurymen, officers, witnesses and parties. For all purposes but dining and lodging it serves as a hotel during the sessions of court. The terms of court are held on the fourth Tuesday of April and the fourth Tuesday of October.

Some of the earlier lawyers in Essex county who made Guildhall their home were Hezekiah May, Daniel Dana, Elijah Foote and Joseph Berry, and afterwards Seth Cushman, James Steele, John T. Wells, William Heywood, William T. Barron, William H. Hartshorn, Ira A. Ramsey, George N. Dale and Henry Heywood. Perhaps the ablest man in this list was Gen. Seth Cushman, who was the son of Isaac Cushman, whose ancestors came over in the *Mayflower*.

GEN. SETH CUSHMAN

1782-1845

Gen. Seth Cushman of Guildhall, who belonged to the big four, made up of Mattocks, Bell, Fletcher and Cushman, died at Guildhall, March 18, 1845, in the sixty-third year of his age. He was born in Connecticut, but the place of his birth is not given in any biographical sketches. His father was a farmer in Guildhall and for a time held the office of Judge of Probate. His mother was a sister of Judge Paine, who for forty years was United States District Judge of Vermont. He acquired his military title in the militia, and he was for a short time in the army during the War of 1812, holding a commission on the regimental staff. He expected a political appointment at one time from General Jackson and moved to Montpelier where he lived about a year, but the patronage was not given so he returned to Guildhall, where he remained until his death. He was an Anti-Masonic candidate for Congress and came near being elected, but was defeated by General Cahoon of Lyndon. He practiced in his own county and in Orleans and Caledonia in Vermont and in Coos county in New Hampshire. He was usually engaged in all the important trials in these counties. While not a deep student in the books, he was possessed of remarkable intuition and skill in the conduct of a case and had forensic gifts of a high order. His perceptions were so quick, his resources so remarkable and his facility to acquire the details of a case so exceptional that he could sit down to the trial of a new, strange case and as it proceeded gain such knowledge that he could present it effectively. He was an accomplished and eloquent advocate and was especially successful in criminal defences. He was a man of handsome presence and gentlemanly manners. His ability was such that he would have been distinguished in a much larger field, but he had failings which prevented a greater measure of success. Few men in Vermont possessed talents of greater variety and power. He was graceful and entertaining at home, in the social circle, at the bar and as an officer in the field. He was the peer of John Mattocks, James Bell and Isaac Fletcher, and is referred to by Bell as the "courtly and eloquent lawyer, the kind and feeling man, the polished and social gentleman and friend," a eulogy in which Governor Mattocks joined.

GEORGE N. DALE

1833-1903

George N. Dale was one of Vermont's greatest men of his generation. Born at Fairfax, this State, February 19, 1833, he removed with his father's family when a small boy to Waitsfield. His boyhood days

were given up to incessant labor on the farm, which gave him little opportunity to attend school. By making good use of such time as was allowed, and by diligent reading and study at home, he became equipped for the duties of a teacher in the district schools. In this he was eminently successful, both in point of instruction and control. His large, powerful frame and capacity to discipline made him exceptionally useful in those districts where the custom of "carrying the teacher out" had obtained. Early in life he decided on the law as a profession and bent all his energies to that end. His earnings from teaching school enabled him to attend Thetford Academy for two or three years, during which time he took such courses as would best equip him for the legal profession. After this preparation he entered the office of Dillingham and Durant at Waterbury, Vt., where he remained until his admission to the bar at the March term of Washington county court in 1856. In December following he located at Guildhall, where he formed a partnership with William H. Hartshorn, which continued for two years. He continued alone in a growing and lucrative practice after this time, until 1861. During the latter period he was for most of the time State's Attorney for Essex county. He represented Guildhall in the Legislature in 1860 and again in 1861. In June of the latter year he became Chief Deputy Collector of the port at Island Pond, a position which he retained until 1864, when he was elected to the State Senate, to which he was re-elected in 1865-6-7-8 and '69. In 1870 he was elected Lieutenant-Governor. In 1871 he was reappointed Chief Deputy Collector of the port of Island Pond, a position which he held until he resigned in 1882. In 1885 he was elected President of the Vermont Bar Association. When Judge Steele was elevated to the bench, Mr. Dale was substituted for him in the co-partnership of Steele and Robinson, under the name of Dale and Robinson, having offices at Derby Line and at Barton. Soon after he formed a co-partnership with B. F. D. Carpenter at West Charleston, and continued these several business connections for several years, keeping his own office at Island Pond, where he resided and practiced his profession. In 1892 he served in the Legislature as the member from Brighton and rendered valuable service on the judiciary committee. In 1894 he represented Essex county again in the Senate. He declined the office of National Bank Examiner, tendered him by the State delegation in Congress, because he feared he was not equipped to discharge its duties. He was United States Consul at Coaticook, Canada, from October, 1901, to October, 1902.

Mr. Dale was a careful and able lawyer, and a powerful advocate. He was in much demand as a referee, commissioner and master in chancery, both in Vermont and New Hampshire. His studies reached beyond the law into the best English classics. This gave him a style that was clear and captivating. The *Essex County Herald* pub-

lished from time to time over one hundred memorial sketches, which were prepared by him. His son, Porter H. Dale, Congressman from the second Vermont district, assembled and published these sketches following his father's decease in a volume of nearly four hundred pages. His death occurred January 29, 1903, at Island Pond.

These sketches were dictated to his daughter, who took them down as they fell from the lips of Governor Dale who poured them out of his fund of information without the aid of notes or data of any kind. Whenever he read a sketch before the Bar Association he was sure of an attentive hearing. William E. Johnson, of Woodstock, told me that he was so impressed with the personality of Governor Dale himself on one of these occasions that he forgot all about the character that he was portraying.

ZOPHAR M. MANSUR

1843-1913

A very successful lawyer in Essex county was Zophar M. Mansur, who spent most of his active life at Island Pond. He was born at Morgan, Vt., November 23, 1843, and he died at Burlington, March 28, 1914. He was educated in the common schools and at Derby Academy. He enlisted in Company K, Tenth Vermont, in 1862, and was discharged in 1865; serving in several of the principal battles of the war and losing his right arm at Opequan Creek in 1864. On being discharged he attended school at Derby Academy in the fall of 1865, taught school the following winter and located at Island Pond in 1866. In February, 1867, he was appointed Postmaster of Island Pond and continued to hold the office for several years. He studied law with George N. Dale at Island Pond and was admitted to the bar in Essex county at the March term, 1879. He represented Brighton in the Legislature in 1886 and was State's Attorney for Essex county from 1886 to 1888. In the latter year he was elected Senator from Essex county. He was elected President of the Vermont Officers' Reunion Society in 1889 and in 1898; in 1890 he was elected Department Commander G. A. R., and President of the Vermont Society, Sons of the American Revolution in 1894. In the same year he was elected Lieutenant-Governor. He served as Deputy Collector of Customs in charge of Island Pond for four years under Collector Benedict. He was one of the trustees of the Methodist Seminary at Montpelier, was trustee of the Soldiers' Home at Bennington, director of the National Bank of Derby Line from 1884 and president after 1905. He was appointed Collector of Customs for the Memphremagog district October 1, 1897, and continued therein until 1906. At the time he assumed the duties of this office he moved from Island Pond to Newport, which

ALBERT B. CHANDLER

Born in Randolph, August 20, 1840. He was educated in the public schools and learned the printing trade and telegraphy. He became a railroad telegrapher and in 1863 was assigned to duty as cipher telegraph operator in the War Department at Washington, acting as one of the confidential operators for Secretary of War Stanton and President Lincoln. He also served as disbursing clerk for the Superintendent of Military Telegraph in the Department of the Potomac. In 1866 he was placed in charge of the trans-Atlantic and Cuba cable traffic of the Western Union Telegraph Company. In 1875 he became Assistant General Manager of the Atlantic and Pacific Telegraph Company and was advanced, step by step, until he became president of the company. When this company was combined with the Western Union, he was chosen president of the Fuller Electrical Company. In 1884 he became counsel for the Postal Telegraph and Cable Company and in 1866, its president. In 1887 he was elected president of the Commercial Telegraph Company. After forty-seven years of service, he retired but continued as chairman of the board of directors. He served on the staffs of Governors Woodbury and Grout. In 1864 he married Marilla E. Stedman of Randolph. She died in 1907. In 1910 he married Mildred Vivian of New York. Three children were born of the first marriage, a daughter who died in childhood and two sons, Albert E. and Willis D. Chandler.

Albert B. Chandler

thereafter was his home. In any department of life Governor Mansur was successful. He was aggressive, alert, persistent, patient, industrious and able. He looked ahead and made wise provisions for the future. While acting as Postmaster he studied law in his leisure hours so as not to be without a salary and occupation when his term of office should end. As a lawyer he was enterprising, bold, inquisitive and effective. As State's Attorney he was zealous, but he excelled as a business man. His administration of the office of Collector was one of the best. As a public citizen Governor Mansur enjoyed the confidence and esteem of the whole State. His counsel was often sought in business, social and political matters and no one in his community and few in the State enjoyed greater confidence.

JOSIAH H. BENTON

1843-1916

Josiah H. Benton was born at Addison, Vt., August 4, 1843, the son of Josiah H. and Martha Ellen Danforth Benton. He received his education at the Literary and Scientific Institute at New London, N. H., and studied law at the Albany Law School, which gave him his degree of LL. B. in 1866. He was admitted to the bar in 1866 and began practice in Bradford, Vt., which place he left soon after to take up practice in Lancaster, N. H., where he remained until 1873. In 1869 and 1870 he was private secretary to the Governor of New Hampshire and in 1870 and 1872 clerk of the House of Representatives.

He located in Boston in 1873 and there built up an extensive and lucrative practice. He was general counsel for the Old Colony Railroad and Steamboat Companies and later for the New Haven interests. He had been a director and counsel for the Northern Railroad of New Hampshire and in this capacity had been engaged in many notable cases. He lectured on corporations and railroads at Boston University Law School from the early nineties until 1906.

An interesting story is told of him and his father,—the latter being a retired clergyman who made a success of farming in Maidstone after finishing his career as a preacher. Once in his early and ambitious days the son came to visit the father at the farm. The latter, the day previous, had sold some steers for five hundred dollars. He told the son that farming was good business, that the day before he had sold some steers for five hundred dollars; whereupon the son replied, "Father, the law is a good business. I argued a case yesterday for which I was paid five hundred dollars."

Colonel Benton served in the Vermont Volunteers in the Civil War. He was trustee of the Boston Public Library and its president

for many years. He was also trustee of Boston University and a member of many clubs. He was the author of many addresses. He died at Boston, February 5, 1916.

PRESENT MEMBERS OF THE ESSEX COUNTY BAR

Harry B. Amey, of Island Pond, was born at Pittsburgh, N. H., December 21, 1868. He graduated at Dartmouth College in 1894, studied law in the office of Ladd and Fletcher and in the office of Shurtleff and Sullivan in Lancaster, and was admitted to the bar of New Hampshire in 1898. He practiced at Milton, N. H., from 1898 to 1902, when he located in Island Pond. He was State's Attorney of Essex county from 1904 to 1908; member of the House, 1910-1912; and County Senator, 1919-1920.

Oliver H. Cameron, of Island Pond, was born in Norton, July 27, 1886, and was educated at the Island Pond High School, Coaticook Academy, and the University of Maine, College of Law. He studied law in the office of Harry B. Amey at Island Pond, with Simonds, Searles and Graves at St. Johnsbury, and was admitted November 10, 1916. He was a member of the firm of Searles, Graves and Cameron from January, 1917, to January, 1918; and in company with Harry B. Amey after that date. He has been School Director and Selectman in Norton and represented the town in 1910 and 1912 in the Legislature. He was elected State's Attorney of Essex county in 1920.

Porter H. Dale, of Island Pond, was born at Island Pond, March 1, 1867. He was educated in the Island Pond High School, Newport Academy, Washington County Grammar School, Eastman Business College, and by private instructors in Philadelphia and Boston. He studied law in the office of Armstrong Taylor at Minneapolis, and in the office of his father, George N. Dale, at Island Pond. He was admitted in 1896 and has resided at Island Pond, where his legal work has been confined to business enterprises in which he has been interested. He is president of the Island Pond National Bank, of the Island Pond Electric Company, of the Fitzgerald Land & Lumber Company, of the Fitzdale Paper Company; was Chief Deputy Collector United States Customs at Island Pond; Judge of Brighton Municipal Court, 1910-1912; State Senator, 1910-1912; member of Congress since March 4, 1915.

Franklin D. Hale, of Lunenburg, was born at Barnet, March 7, 1854. He was educated in the common schools, at Northfield High and Graded School, and at St. Johnsbury Academy. He read law while teaching and studied in the office of Hutchinson and Savage at

Lewiston, Me. He graduated from the Law School of Michigan University in 1877, and was admitted to the bar of Michigan in 1877 and to the bar of Vermont in 1884. He practiced in Lewiston, Me., from 1878 to 1881 and in Lunenburg from 1884 to 1902. He was State's Attorney of Essex county for eight years; represented Lunenburg in the House in 1884, 1898, 1900; was County Senator in 1886; Auditor of Accounts, 1892 to 1896; Chairman Town-site Board of Trustees, Oklahoma, 1891; Chief Clerk to the Treasurer of Cuba, 1899-1900; American Consul at Coaticook, 1902-1918.

Henry W. Lund, of Canaan, was born in Granby, October 11, 1854, and was educated in the common schools and at St. Johnsbury Academy. He studied law in the office of Henry C. Bates at St. Johnsbury and was admitted to the bar in 1881. He has practiced at Canaan since admission and has held the various town offices and was State's Attorney, 1890-1893, 1899-1900, 1903-1904; member of the House in 1915, and Judge of the Essex County Municipal Court since 1916.

Clare R. Powell, of Island Pond, was born at Barton, October 18, 1881. He was educated at the Barton Academy and studied law with Justice Willard W. Miles in Barton. He graduated from the academy in 1900 and was admitted to the bar in 1903. He practiced at Barton from 1903 to 1911 and since 1911 has practiced at Island Pond. He was State's Attorney from December 1, 1912, to February 1, 1921.

FRANKLIN COUNTY

THE county of Franklin was incorporated by the General Assembly by an "Act for dividing the Counties of Orange and Chittenden into six Separate and Distinct Counties", passed November 5, 1792. The county was materially reduced in size by an act, passed in November, 1802, which took from it the towns of Alburg, Isle La Motte, and North Hero, and by a further act of the General Assembly, passed in October, 1835, which took from it the towns of Belvidere, Cambridge, Johnson, Sterling and Waterville. The county buildings were erected at St. Albans at an early date. The first court house was built of wood, and as was usual at the period, it was used for religious worship and for town meetings. The shire was always at St. Albans, but there was much wrangling over the location in which Fairfield is said to have taken a part. The first court house later was surrounded by brick, and the Universalist Society built an addition to the building. The court house bell came from Troy, N. Y., and was purchased by the ladies of St. Albans in 1810. It became cracked from long and constant use and was re-cast at Troy. The first jail was built in 1798. Before that time debtors and other persons liable to imprisonment were taken to Burlington or Vergennes. The next jail was built a few rods east of where The Tavern now stands. The third jail, which stood south of St. Luke's Church, was burned in 1813. The only tenant at the time could not be reached by the door and was taken out with much difficulty through a hole cut in the roof. The fourth jail was located near the Tremont House. It was burned and the fifth jail erected in the same place. This was taken down later and the frame put up a little farther south. The present jail stands a little east of the court house, is built of brick, is modern, sanitary and secure. The present court house was erected in 1872. It is built of brick with granite foundations and sanded trimmings. At the front corners are towers which extend a little above the roof. The structure was designed for convenience, comfort and safety for the public records rather than for beauty. The lower floor is occupied by the Judge of Probate and the County Clerk and here are rooms for the State's Attorney and the jury. On the second floor is the court room and in connection with the same are rooms for the judges, lawyers and witnesses. The county courts are held on the second Tuesday of March and September.

As appears elsewhere the first lawyer to be admitted in Franklin county was the gifted John Mattocks. This occurred in 1793. The first State's Attorney was Gen. Levi House. For several years he was the most conspicuous figure at the bar in St. Albans. He was fond of show and indulged his taste in erecting the finest residence in the

county. This stood on the present site of the Warner Hospital. It was octagonal in shape and the parlor curtains were made of hundred-dollar counterfeit bills. He was a man who assumed much pomp and his presence never failed to create a sensation among the early settlers. His rotund form and ruddy complexion easily distinguished him from his fellows. His importance was enhanced by reason of his election as a Brigadier-General of the militia, and when he was authorized by the Legislature to organize two companies to protect the shipping in St. Albans Bay he had reached the topmost round of his military ambition. It is sad to record of him that history says that his military glory and the rum of the period were his undoing and that he died an object of charity.

Soon after the shire was established other lawyers located at the county seat in considerable numbers. Many of these were men of great ability who afterwards filled high offices in the State. These men included Thaddeus Rice, Seth Wetmore, Asahel Longworthy, Roswell Hutchins, Abner Morton, General Fassett, Bates Turner, founder of the Vermont Law School and Judge of the Supreme Court; Cornelius P. Van Ness, Governor, Judge of the Supreme Court and Minister to Spain; Asa Aldis, Chief Judge of the Supreme Court; Benjamin Swift, United States Senator; John Smith, member of Congress; William Brayton, Judge of the Supreme Court and author of Brayton's Reports; Stephen Royce, Chief Judge of the Supreme Court and Governor; James Davis, a sound lawyer and able writer. The courts in the days of these men were conducted with great dignity. The Sheriff, with drawn sword, escorted the Judges across the common to the bench and the court was opened with the Sheriff standing in like manner. The Judges wore ruffled shirts with majestic collars and long broadcloth cloaks faced with velvet, appearing the embodiment of justice and lofty dignity.

Law School in Vermont

As appears in the sketches of the Judges, Judge Bates Turner conducted a law school in Franklin county. This he established in the town of Fairfield early in the last century. He was reputed to have had the ability to fit his students for admission and practice in much less time than was ordinarily spent in preparatory studies. Hence, many young men resorted to him for the purpose of being fitted for admission to the bar in a shorter time than the rules of the court required when their studies were pursued in law offices. Nearly one hundred and seventy-five students were entered in his office, a number exceeding by far that of any law office in the State and a larger number than attended most of the private law schools in New England. In 1812 he removed to Middlebury with the purpose of establishing a

law school there, but not receiving adequate encouragement he returned to Fairfield. The three-story wooden building still stands in Middlebury village where the law school was to have had its seat. Judge Turner was a sound lawyer, a fair-minded and skilful practitioner, and he enjoyed the confidence and esteem of the bar of his county for half a century. Few men entertained so high a respect for the profession of the law. He loved it for its own sake, and in the recollections it furnished he found an unfailing source of gratification, even after the infirmities of age had withdrawn him from its active pursuits.

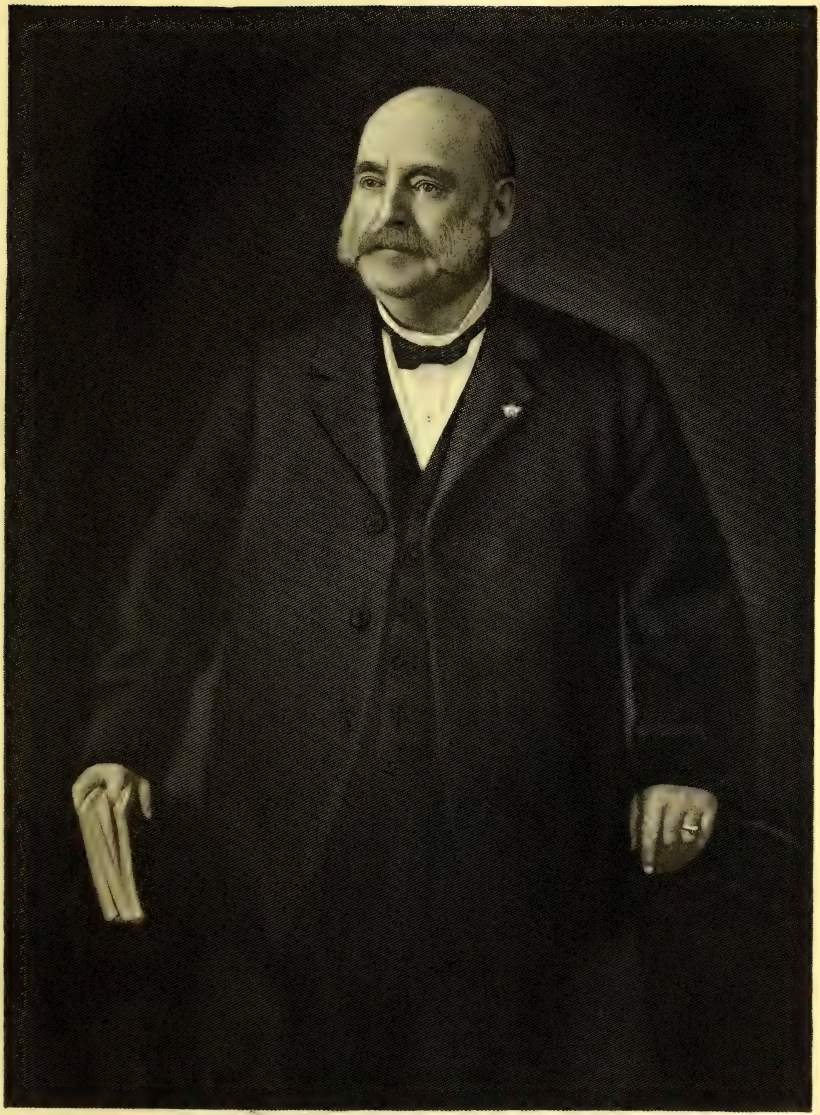
JOHN SMITH

1789-1858

John Smith was an early leader of the Franklin county bar. He was the father of John Gregory Smith and the grandfather of Gov. Edward C. Smith. He was born at Barre, Mass., August 12, 1789, and died in 1858. The Smith family moved to St. Albans in 1800 where John was educated in the common schools. He prosecuted his legal studies in the offices of Roswell Hutchins and Benjamin Swift, and was admitted to the bar in 1810. He early became a partner of Benjamin Swift, who was a man of talent but left the law early in life to seek political office. In the latter field he was successful. He represented his district in Congress and his State in the United States Senate. The firm of Swift and Smith ranked among the first in Franklin county at a time when Asa Aldis, Cornelius P. Van Ness, and Stephen Royce were at the bar. Upon the election of Mr. Swift to Congress in 1827 the firm was dissolved and Mr. Smith continued for some years in practice alone. In 1827 he was elected State's Attorney of Franklin county and continued to hold this office for seven years. During his term of office he prosecuted Curtis Wilkinson for erecting a barn on the public square known as Taylor Park and established the right of the people of St. Albans to the use and enjoyment of this park as public property. He represented St. Albans in the General Assembly for ten years and for two terms was Speaker. In 1839-1840 he represented his district in Congress. As an attorney he ranked with the leaders of the local bar and was associated in the prosecution or defence of the principal cases tried in the courts. In 1841 John Gregory Smith was admitted to practice and thereupon formed a partnership with his father, which continued until the latter's death. They were counsel for some years of the Central Vermont Railroad Company. This led to the appointment of John Gregory Smith as a trustee and manager of the Vermont Central and Vermont and Canada Railroads and his retirement from the practice of the law. John

JAMES A. WHITCOMB

Born in Underhill, Vt., March 26, 1854. He removed with his family to Cambridge, attended a few terms of district school, worked for his board and attended a term of school at Westford. After attending part of a term of school at Underhill he left for parts unknown to his family, his cash capital being a half cent. He worked at odd jobs in various places. He learned the painters' trade and later worked for a detective agency. Suffering severe injuries while painting, he studied shorthand. While in Washington he studied in a business college, graduated from courses in medicine and law and also took a course in mineralogy, assaying and mining engineering. During this time he was working in government departments, being advanced, in process of time, to an important position as examiner of pension claims. The confinement in government work having become irksome, Mr. Whitcomb resigned. He purchased the first typewriting machine sold in Washington and later became an agent. He took out several typewriter patents. His inventions of a ratchet and back spacer are in general use in typewriters. He also took out a patent on the one-arm chair used in lecture halls, lunch rooms, etc. Starting with a capital of $183 he organized the Baltimore Dairy lunch and developed the plan until he had 138 places, each of which served from 1,000 to 5,000 persons daily. He aided in forming the Master Bakers' Association of America and the Lunch and Restaurant Men's Association of America. He is a member of many clubs and has travelled extensively in this country and Europe. He married Virginia H. Cammack of Washington in 1882. Three children have been born to them, and two of them, Virgil M. and Paul, are living.



James A. Whitcomb

Smith was President of the Vermont and Canada Railroad from 1847 until his death, and chief trustee of the Vermont Central and Vermont and Canada railroads from 1852 until his death.

ORLANDO STEVENS

1797-1879

Orlando Stevens was born at Rutland, October 12, 1797. While he was quite young his father moved to St. Albans, where he attended the public schools and the Franklin County Grammar School. At the age of eighteen he entered the office of the elder Judge Aldis as a student, and in 1819 was admitted to the bar in Franklin county. He commenced the practice of his profession in Swanton, where he married the daughter of James Fisk, who was at the time the Collector of the port of Vermont and had been a Judge of the Supreme Court and United States Senator. Mr. Stevens began practice in St. Albans in 1829 and continued for forty years. He then removed to Winona, Minn., where he practiced for a few years. Later he returned to St. Albans, where he died in March, 1879. He was State's Attorney of Franklin county from 1839 to 1842 and again in 1849. In the latter year he represented St. Albans in the lower House and in 1853 was County Senator. During his residence in Minnesota he was a member of the Legislature of that State. Mr. Stevens was a man of great native ability and the peer of the best men in the State in his profession; he possessed a cool, calculating mind, had excellent judgment, and was well versed in the principles of the common law. He was preeminently a man of the people and boasted that he knew almost every man in Franklin and Grand Isle counties. This made him formidable before juries, where his arguments were models of brevity, conciseness and force. His quick mind seized the strong points of the case and on these he spent his energies. He was a man of large stature, with a head covered with a thick mass of curly hair, which gave him the soubriquet of "Curley." His face was indicative of great firmness and strength of character. Had it not been for his besetting sin against himself he could hardly have failed of leadership in the State and nation.

HEMAN S. ROYCE

1818-1885

Heman S. Royce was the son of Caleb Royce, who was a brother of Stephen Royce, the father of Chief Judge and Gov. Stephen Royce. Caleb Royce moved from Tinmouth to Richford and was one of the early settlers of the town. Heman was one of eleven children and,

as might be expected, had to work his own way. He earned funds with which he attended two terms at the academy in Bakersfield. He taught several terms of district school, and in 1842 became a student in the law office of Thomas Child at East Berkshire. He was admitted to the Franklin county bar in April, 1844, and was for a short time a partner of his cousin, Homer E. Royce. In 1848 he was appointed Deputy Collector of Customs at Highgate, at which place he commenced his more active practice of the law. He removed to St. Albans in 1859, where he remained in practice until his decease, January 14, 1885. In 1853 and 1854 he was elected State's Attorney of Franklin county, and in 1856 and 1857 represented the county in the Senate.

As a lawyer he enjoyed an extensive practice. He was conspicuous in the important trials in his own county and was frequently called into trials in Orleans, Lamoille, Chittenden and Addison counties, and in United States Circuit Court.

Mr. Royce was not a brilliant man, but was notably a man of strength, both intellectual and physical, and was possessed of great will power. He was most effective as a jury advocate. He argued his facts from a written brief and no point was left untouched. His manner was the quiet, conversational one and when he approached closely to the jury and leaned over the railing to address them the lawyers used to pass the word: "Now look out, for Mr. Royce is whispering to the jury." He was capable, when aroused, of intense opposition to his opponent's case, and at such times was earnest and impressive in his strength. If his exterior seemed cold and gruff, his fine instincts came to the surface as soon as the strife was over. Socially, he was keenly humorous and entertained with rare grace and unassumed dignity.

GEORGE A. BALLARD

1839-1898

George A. Ballard was born on a farm in Georgia, October 28, 1839. He was educated in the common schools, at Georgia Academy, and at New Hampton Institute. He studied law in the office of Herman R. Beardsley at St. Albans, and was admitted in 1861. He practiced for a few years in Georgia, then removed to Fairfax, where he continued to reside until his death. His practice extended throughout his own county and the counties adjoining. In 1869 and 1870 he represented Fairfax in the House and in 1872 was County Senator. He was elected State's Attorney in 1872 and appointed to the same office in 1886. For a quarter of a century Mr. Ballard was a leading

lawyer, whose services were in demand in the important cases in his county and vicinity. He was well grounded in the principles of the law; his common sense was employed rather than legal technicalities or subtle reasoning. The former he despised, sometimes to his cost, but he threw his whole energy into the preparation and trial of the case and never faltered until he won or lost, and if it was the latter he went down with colors flying. His splendid physique, clear and logical mind, good presence and deep, pleasing voice added to his charm and effectiveness. And he had rare and excellent qualities of heart as well as head. These faculties made him an advocate of recognized ability, and gave him power as a platform speaker second to few in the State. In conventions and upon the stump his rugged eloquence and forceful logic were employed with marked effect. One of his best oratorical efforts was the nomination of Gov. Edward C. Smith, a service most gratifying to Mr. Ballard because of the life-long friendship between Mr. Ballard and the father of his candidate. He died December 19, 1898.

HENRY E. RUSTEDT

1847-1904

The tragic death of Henry E. Rustedt, of Richford, removed a useful and respected member of the Franklin county bar. This occurred on March 27, 1904. The ice in the Missisquoi River at Richford had broken up and the force of the current had driven great cakes upon the bank. Mr. Rustedt, with many others, went down to the river bank to a point fifteen or twenty rods above the dam to view the ice that was piled at that place. He took a position on a large cake that overhung the water, which tipped with his weight and slid into the river, throwing him onto his hands and knees. He clung to the cake, which was soon far out in the current and carrying him swiftly toward the dam. There were many near to help, but there were no ropes nor was there time to get them. When within a few rods from the dam Mr. Rustedt took off his coat and laid it on the ice beneath him and plunged into the water. He made a heroic effort to save his life by swimming ashore, but the swift current was too much for his strength and he was carried over the dam, through the rapids, and down the river to a small island about one-third of a mile below the place of the accident, where his body was found a week later. Mr. Rustedt was a conspicuous example of the useful country lawyer. He was born in England, December 25, 1847. His father was a Congregational minister, who moved to America when the son was ten years old. He was educated at Barre Academy and the

University of Vermont, graduating from the latter institution in 1871. He studied law with Judge Henry R. Start at Bakersfield and was admitted in 1873. He practiced for a short time with his tutor, but in 1874 removed to Richford, where he practiced until his death. In 1889 he formed a partnership with Wallace B. Locklin, which continued during the rest of his life. He was State's Attorney from 1880 to 1882; Supervisor of Schools from 1880 to 1890; Superintendent of Schools from 1894 to 1904; member of the House in 1894; member of the Library Commission from 1894 to 1904; president of the Richford Savings Bank from 1889 until his death. He had high ideals as a lawyer, was studious, thoughtful, honest and just. His gifts were not forensic and he did not shine in the court room. But he was wise as a counsellor, and exceptionally efficient as a trier of cases as a special master, referee or commissioner. His knowledge of the law, habitual honesty and fairness gave him fine qualifications for this service, and his professional brethren kept him employed to an extent that was enjoyed by no other member of the bar, for the last twenty years of his life, in this department of labor. His reports showed careful attention to all details of the cases and they were filed before the cases took on the moss of age—which is more than can be said of some lawyers who undertake this kind of employment.

FELIX W. McGETTRICK

1847-1919

For a good many years Felix W. McGettrick of St. Albans and Henry Ballard of Burlington were regarded as the leading criminal lawyers in Vermont. Mr. McGettrick was born at Fairfield, November 20, 1847, and died at Arlington, Mass., June 13, 1919. His early educational advantages were limited to the district school and a few terms in a select school. He did not enter school until he was twelve years of age and in his sixteenth year enlisted in Co. E, United States Sharpshooters, serving throughout the Civil War. He was in the battles of the Wilderness and Spottsylvania and in the latter action was seriously wounded. Following the war he entered the New Hampton Institute at Fairfax, Vt., and later began the study of law in the office of Charles J. Alger in Burlington. He finished his legal studies with Edson and Rand at St. Albans and was admitted to the bar of Vermont in 1869. He taught school during the time he was preparing for the law and after his admission. He first located at Fairfield, but soon removed to St. Albans, where he remained until December, 1904, when he removed to Boston. He was admitted to

the bar of Massachusetts in 1905 and from that time until his death was engaged in company with his son, Edward, who had been in practice for several years before his father joined him and was Assistant Corporation Counsel of the city. Mr. McGettrick was Inspector of Public Buildings and United States Commissioner for Vermont under appointment of President Cleveland. He was a candidate for Congress in 1888 on the Democratic ticket and for Governor in 1902. He was twice a delegate to the National Democratic Convention, and once served on the committee on resolutions. He was Assistant District Attorney of Suffolk county under John B. Moran and after the death of the latter was the acting District Attorney until his successor was chosen. In this connection he came into prominence during the bribery investigation at the State House. He was extensively engaged while in practice in Vermont in the defence of criminal cases and after removing to Boston had the reputation of handling more homicide cases than any lawyer in Massachusetts. He was a good trial lawyer and in the department in which he specialized was very able. He was adroit and resourceful in the presentation of the evidence and eloquent and ingenious in argument. In a public way his talents as a speaker were frequently employed either in addresses on patriotic occasions or in appeals in behalf of his party in political campaigns.

HIRAM F. STEVENS

1852-1904

Hiram F. Stevens was the son of Dr. Hiram F. Stevens, who was an eminent physician of St. Albans. His father was president of the Vermont Medical Association, an army surgeon during the Civil War, and a member of both Houses of the Legislature. The junior Stevens was born at St. Albans, September 11, 1852. He was educated in the public schools of St. Albans, at Kimball Union Academy, and at the University of Vermont. He graduated from college in 1872; studied law at Columbia Law School, from which he graduated in 1874, and was admitted to the bar in Vermont in September of the same year. He practiced at St. Albans until 1879, when he removed to St. Paul, where he practiced until his death, March 9, 1904. Before leaving Vermont, Mr. Stevens attained considerable reputation as a keen, able lawyer, and in the wider field of his practice became a leader at bar. At the time of his death he was at the head of a large law firm in St. Paul, was vice-president and general counsel of the Canadian Atlantic Transit Company, and was counsel for many large corporations. He was the first secretary of the Ver-

mont Bar Association and the first secretary of the Minnesota Bar Association, which was organized in 1883. Of the latter he afterwards became vice-president and president. He assisted in organizing the St. Paul Bar Association and became its president. He likewise assisted in organizing the American Bar Association, was the first vice-president from Minnesota, and after 1899 was chairman of the general council of the association. Mr. Stevens wrote many articles on the judicial history of St. Paul and was editor-in-chief of the "Bench and Bar of Minnesota," published in 1903. He was a lecturer on real property at the University of Minnesota from 1892 to 1900, and after that date president and dean of the St. Paul College of Law. He was a member of the American Association of Law Schools, chairman of the Minnesota Statute Revision Commission, member of the International Law Association of London, and of the American Academy of Political and Social Science. For ten years he was in the Legislature of his adopted State, beginning as a member of the lower House and ending in the Senate. In the latter he was chairman of the Judiciary Committee. As a legislator he took part in shaping some of the most important legislation in the history of his State, and had great influence and was at times the dominating force. He was an able lawyer, and a man of genial and kindly disposition and broad sympathies.

H. CHARLES ROYCE

1864-1912

H. Charles Royce, son of Homer E. and Mary Edmunds Royce, was born in Berkshire, February 16, 1864, and died at St. Albans, November 24, 1912. He belonged to a family of great lawyers. His father was Chief Judge of our Supreme Court and his grand-uncle, Stephen Royce, held the same office and that of Governor of Vermont. H. Charles Royce was educated in private schools, at the St. Albans High School, and at the University of Vermont, where he graduated in 1884. He was distinguished in college for the excellence of his scholarship and was elected to the Phi Beta Kappa Society. He studied law at Columbia Law School in 1886 and 1887 and was admitted to the bar of Vermont the latter year. The following year he began the practice of his profession at Vergennes, where he remained for about a year, when he removed to Middlebury, where he formed a partnership with Judge William H. Bliss. This continued until September, 1891, when he returned to St. Albans, where he practiced until his death. For about eight years he was associated with Charles P. Hogan under the firm name of Hogan and Royce.

He was president of the village of St. Albans from 1895 to 1897; a member of the prudential committee of schools until the city charter took effect; chairman of the school commissioners of St. Albans city from 1899 to 1902; trustee of the St. Albans Free Library and of the Franklin County Grammar School; clerk of the committee of revision of bills in the legislative session of 1894; County Senator in 1900; a commissioner to prepare with two others the present digest of the Supreme Court reports; and Referee in Bankruptcy from 1907 until his death.

Mr. Royce was a born scholar and a natural lawyer. His mind was judicial. Books were easily mastered. He lived in their atmosphere. He enjoyed the languages and delighted in literature. Law to him was a science rather than a means to get a living. He took up any intricate question and solved it without difficulty. His opinions were clear and scholarly and his briefs models of legal learning. He had no delight in the practice before the trial courts. He was not physically strong enough for success in this field, but before the Supreme Court he was entirely at home and was sure to delight the court with his erudition and discrimination. He took his bar examination in 1887 in company with the late George B. Hitt of Brattleboro, and it is doubtful if any two applicants for admission ever ranked higher in their marks. Mr. Royce had a percentage of ninety-seven and one-half and Mr. Hitt of ninety-five. It is now no secret that Mr. Royce wrote some of the opinions which his father handed down while he was Judge. Mr. Royce would have succeeded to the vacancy on the bench caused by the death of Judge Alfred A. Hall had he been physically able to assume the duties of the office. He had been very ill preceding Judge Hall's death, and Governor Mead, who was a skilled physician, was convinced that he could not long discharge the duties of the office if appointed—a conclusion which was verified by his death later in the year—and so the honor which his great talents merited was denied him. His son, Alexander, a graduate of Yale and of the Harvard Law School, is engaged in practice in the office of Elihu Root in New York City.

PRESENT MEMBERS OF THE FRANKLIN COUNTY BAR

Marshall H. Alexander, of St. Albans, was born at St. Albans, September 24, 1862, and was educated in the common schools, St. Albans High School, and by a private tutor. He studied law in the office of Farrington and Post and was admitted to the bar of Vermont in 1883 and to the bar of New York in 1897. He practiced at Jericho, 1884-1891; Burlington, 1891-1896; New York, 1897-1898;

St. Albans, from 1897 to date. He was Superintendent of Schools, Justice of the Peace, and Constable and Collector of Georgia, and member of the House from that town in 1906-1908; member of House from St. Albans, 1918-1920. He was elected State's Attorney of Franklin county in 1920.

Chauncey G. Austin, of St. Albans, was born at Westford, October 21, 1845. He was educated in the common schools and at the New Hampton Institute, where he graduated in 1867. He studied law in the office of George A. Ballard at Fairfax and was admitted to the bar in 1870. He practiced his profession at Highgate from 1870 to 1899 and since has practiced at St. Albans. He retained his residence in Highgate and in 1919 represented his town in the Legislature. He has been president of the County and State Bar Associations.

Roswell M. Austin, of St. Albans, was born at Highgate, September 23, 1887, and was educated in the common schools of Highgate, the St. Albans High School, Philips Andover Academy, where he graduated in 1906, and at Yale University, where he graduated in 1910. He studied law in the office of C. G. Austin and Sons in St. Albans and was admitted to the bar in 1912. He has practiced at St. Albans since admission in company with his father, Chauncey G. Austin. He has been City Attorney of St. Albans since 1915, and was Assistant Clerk of the House for several years. In 1921 he was elected Clerk of the House.

Eugene A. Ayers, of Swanton, was born at Bakersfield, March 26, 1861, and received his education in the common schools and at Brigham Academy. He studied law with Judge Henry R. Start at Bakersfield, with John A. Fitch at Highgate and with Chauncey G. Austin at Highgate, and was admitted in 1886. He has practiced at Swanton since 1887. He has held the offices of Town Grand Juror, village president, member of the House and Referee in Bankruptcy.

George S. Burleson, of East Fairfield, was born in Franklin, May 1, 1875. He was educated at the St. Albans High School and at Brigham Academy, studied law with Isaac N. Chase and Fred S. Tupper at East Fairfield, and was admitted to the bar in 1898. He practiced at Fairfax and Highgate until 1904, when the loss of eyesight necessitated his retirement from active practice.

Charles A. Coan, of Richford, was born at Montgomery, October 16, 1877, and was educated at Brigham Academy and at Boston University. He studied law with Guy H. Start at Bakersfield and with

JAMES F. DEWEY

Born in Montpelier, Vt., March 7, 1883, being the son of William T. and Alice (French) Dewey. He graduated from the Montpelier High School in 1900, Worcester (Mass.) Academy in 1901, and the Lowell (Mass.) Textile School in 1904. He entered the employ of the A. G. Dewey Company of Quechee, woolen manufacturers, and is now (1922) vice-president and superintendent of the corporation. He is vice-president of the Hartford Savings Bank and Trust Company, a director of the Green Mountain Mutual Fire Insurance Company, and president of the Associated Industries of Vermont. During the war he was a member of the Vermont Labor Board and Windsor county chairman of all Liberty Loan and Red Cross drives. Mr. Dewey is a member of the Windsor County Republican Committee and in 1920 was a delegate to the Republican National Convention. He is a trustee of the Lowell (Mass.) Textile School, a director of the Vermont Tuberculosis Association, a member of the Vermont Historical Society, the Sons of the American Revolution, the Society of Colonial Wars, and various fraternal organizations and social clubs. On October 6, 1909, he married Emily S., daughter of John J. Dewey. Two children, William T. and Anna M., have been born to them.

THE CENTURY HISTORY COMPANY, INC., PUBLISHERS

James H. Dewey

Melville E. Maurice at Montgomery, and was admitted in 1901. He has never been in practice and since 1902 has been Deputy Collector in Charge of Customs at the port of Richford.

Patrick H. Coleman, of Montgomery, was born at St. Albans, March 17, 1859, and was educated at the St. Albans Academy. He studied law in the office of Henry C. Adams at St. Albans and was admitted in 1879. He practiced at East Berkshire from 1880 to 1885 and since 1900 has practiced at Montgomery.

Stephen S. Cushing, of St. Albans, was born in Nashua, N. H., March 20, 1884. He was educated in the Laconia High School, Dartmouth College, and Middlebury College. He studied law at St. Albans in the office of Judge Alfred A. Hall and with Gen. Lee S. Tillotson, and was admitted to the bar in 1909. He practiced at Newport in 1909-1910 and has practiced at St. Albans since. He has been City Attorney of St. Albans and State's Attorney of Franklin county.

William H. Fairchild, of Fairfield, was born at Fairfield, December 31, 1853. He was educated at Montpelier Seminary, where he graduated in 1873, and at Wesleyan University, where he left in his sophomore year on account of poor health. He studied law in the office of John L. Stevens in Ames, Iowa, and with Charles P. Hogan at Sheldon; he graduated in the Law Department of the University of Michigan in 1877 and was admitted to the bar of this State in the same year. He has since practiced at Fairfield, and he has held the office of clerk and treasurer of the town since 1883; was a member of the House of Representatives in 1888-1890 and 1915-1917, and of the Senate in 1890-1892 and 1917-1919.

Daniel G. Furman, of Swanton, was born at Elizabethtown, N. Y., August 22, 1854. He studied law with George Newton at St. Albans and with Henry A. Burt at Swanton, and was admitted in 1876. He practiced at East Berkshire in 1877 and 1878, and since 1879 has practiced at Swanton. He represented Swanton in the Legislature in 1888 and was United States Consul to Stanbridge, P. Q., 1893-1897.

Alva A. George, of St. Albans, was born at St. Albans, February 8, 1868, and educated at the St. Albans High School, from which he graduated in 1886. He studied law with Farrington and Post at St. Albans and was admitted in 1889. He has practiced at St. Albans since his admission. He was a member of the House in 1900; Mayor, 1904; United States Commissioner, 1917-1919.

George M. Hogan, of St. Albans, was born at Sheldon, October 1, 1874. He was educated in the district school of Sheldon and in the grammar and high schools at St. Albans, and graduated from the University of Vermont in 1897. He studied law in the office of his father, the late Charles P. Hogan, at St. Albans, and was admitted to the bar in 1899. He has practiced at St. Albans. He was Secretary of Civil and Military Affairs, 1898-1900; City Attorney, 1909; State's Attorney, 1910-1912. He has been Commissioner of Uniform Laws for Vermont since 1918 and secretary of the Vermont Bar Association since 1920.

Clarence A. Hull, of West Berkshire, was born at Berkshire, October 19, 1871. He was educated in the common schools of Berkshire and at Brigham Academy. He studied law with Isaac N. Chase at East Fairfield and was admitted to the bar in 1898. He has practiced at West Berkshire. He has held several town offices and was a member of the House in 1919.

Addison H. King was born at Georgia, January 9, 1874. He was educated in the public schools, at the Georgia Academy, and at the St. Albans High School. He studied law in the office of Wilson and Hall at St. Albans and was admitted to the bar in 1898. He practiced at Berkshire from 1899 to 1903, at Richford from 1903 to 1912, and since then has been located in Montreal. He was Superintendent of Schools of Berkshire and held the same office in Richford. He was Deputy Collector of Customs in Vermont and held a similar position in Canada, and since 1919 has been United States Treasury Attache for Canada, with his official residence at Montreal.

Gaylord F. Ladd, of Richford, was born in Enosburg Falls, June 21, 1871, and was educated at the high school in Enosburg Falls, and St. Johnsbury Academy. He studied law at the Boston University Law School and in the office of Harry E. Rustedt and Wallace B. Locklin at Richford, and was admitted to the bar in 1895. He has practiced at Richford since, where he has been attorney for the town and village. He was State's Attorney, 1912-1915.

Wallace B. Locklin, of Richford, was born at Fairfield, December 21, 1855. He was educated in the common schools and at Barre Academy, where he graduated in 1876. He studied law in the office of H. E. Rustedt at Richford and was admitted to the bar in 1880. He practiced at Tower City, N. D., 1881-1885, and has since practiced at Richford. He was school director for twenty-six years; State's Attorney, 1892-1894; member of the House, 1908; and State Senator, 1915.

Emmett McFeeters, of Enosburg Falls, was born at Sheldon, April 22, 1855. He was educated in the common schools of Sheldon, at Franklin Academy and the Bakersfield Academy. He studied law with Chauncey G. Austin at Highgate, at the Ann Arbor Law School, and was admitted to the bar of Michigan and the bar of Vermont in 1880. He has always practiced at Enosburg Falls and has held the following offices: State's Attorney, 1896-1898; member of the House, 1900 and 1902; State Senator, 1912.

William R. McFeeters, of St. Albans, was born at Enosburg Falls, April 7, 1885. He was educated in the public schools of Enosburg, at Norwich University, and at Dartmouth College. He studied law at the Harvard Law School and was admitted to the bar of Massachusetts in 1908 and to the bar of Vermont in 1911. He practiced at Enosburg Falls, 1911-1917; since 1917 has been in practice in St. Albans; Executive Clerk to the Governor in 1912-1914; treasurer, Republican State Committee, 1914-1916; State's Attorney, 1915-1917, and February, 1917, to March, 1917. He is in partnership with Charles D. Watson in the firm of Watson and McFeeters and is attorney for the Central Vermont Railway Company.

Nathan N. Post, of St. Albans, was born in Georgia, March 10, 1852. He was educated in the public schools, at Georgia Academy and by Rev. C. C. Torrey of Georgia, who taught a private preparatory school at that place. He studied law in the office of Farrington and McIntyre at St. Albans, was admitted to the bar in 1878 and has practiced at St. Albans since his admission. He was for many years a partner of Willard Farrington in the firm of Farrington and Post. He was Superintendent of Schools and Assistant Town Clerk in Georgia; village trustee in St. Albans; Register of Probate for two years; and has been Judge of the St. Albans City Court since 1906.

Arthur B. Rowley, of Richford, was born at Sheldon, in August, 1873. He was educated at the Westford Academy in Massachusetts, studied with a private tutor and studied law with A. K. Brown at Richford. He has practiced at Richford since admission and was State's Attorney of Franklin county from 1917 to 1921.

Stephen E. Royce, of St. Albans, was born at East Berkshire, October 13, 1852, and was educated in the common schools and by private tutors. He studied law in the office of his father, Homer E. Royce, Chief Judge of the Supreme Court at St. Albans, and was admitted to the bar in 1880. He was actively engaged in practice from 1880 to 1896 at St. Albans, and since that time has given his attention to business. He was Deputy Clerk of Franklin county for

three years, and town agent; editor of the *St. Albans Daily Advertiser;* chairman of the board of License Commissioners; and is an officer in several corporations.

Henry F. Rustedt, of Richford, was born at Richford, December 31, 1885. He attended the Richford High School, Brigham Academy, University of Vermont, and Harvard Law School, and graduated from them all. He studied law in the office of Gaylord F. Ladd at Richford and was admitted to the bar in 1912. He has practiced since at Richford and has held the office of village trustee.

Edward C. Smith, of St. Albans, was born at St. Albans, January 5, 1854, and was educated at the academy at St. Albans, at Philips Academy and at Yale, where he graduated in 1875. He studied law in the Columbia Law School and with Noble and Smith at St. Albans, and was admitted to the bar of Franklin county in 1877, to the Supreme Court in 1878, and to the Supreme Court of the United States in 1880. He practiced in St. Albans until 1881, when he became vice-president of the Central Vermont Railroad Co. He represented St. Albans in the Legislature in 1890 and was Governor, 1898-1900. He has been president of the Central Vermont Railroad Co. since 1891 and of the Central Vermont Railway Co. since 1913.

Fuller C. Smith, of St. Albans, was born at St. Armand, P. Q., February 16, 1862. He was educated in the common schools and at Brigham Academy. He studied law in the office of Edson, Cross and Start at St. Albans and in the office of Frederick E. Woodbridge at Vergennes, and was admitted to the bar in 1885. He practiced at Vergennes from 1885 to 1888 and at St. Albans following 1888. He was Mayor, 1897-1898; chairman, Vermont State Railroad Commission, 1902-1906; National Bank Examiner, 1908-1913. Mr. Smith is now retired from practice and is engaged in the investment business.

Frank A. Start, of Bakersfield, was born at Bakersfield, March 1, 1881, and was educated in the public schools there and graduated at Brigham Academy in 1902. He studied law in the office of H. F. Brigham and G. H. Start, and was admitted to the bar in 1907. He has been a Lister and Collector of Taxes.

Daniel W. Steele, of Highgate, was born at Highgate, October 13, 1862. He was educated in the common schools and at the St. Albans Academy. He studied law in the office of Chauncey G. Austin at Highgate and was admitted to the bar in 1890. He was State's Attorney, 1898-1902; Deputy Collector of Customs at port of Highgate, 1902-1915; a member of the House, 1917; and State Senator,

1919. In 1921 he was appointed Judge of Probate to succeed Judge Kelton.

George C. Stevens, of St. Albans, was born at St. Albans, April 10, 1864. He graduated at the St. Albans Academy in 1883 and at the University of Vermont in 1888. He studied law with Cross and Start and with Wilson and Hall at St. Albans and was admitted to the bar in 1894. He was Deputy Collector of Customs, 1890-1893; Deputy County Clerk, 1901-1910; and County Clerk since March, 1910. He practiced at St. Albans, 1904-1910.

William D. Stewart, of Fairfax, was born at Manchester, January 11, 1852. He was educated at the New Hampton Institute at Fairfax and at Johnson Normal School. He studied law in the office of W. D. Wilson at St. Albans and was admitted to the bar in 1873 in company with Judge Alfred A. Hall. He practiced at Bakersfield in 1875-1902, and has practiced at Fairfax since leaving Bakersfield. He was Superintendent of Schools and town agent in Bakersfield, and represented the town in the General Assembly of 1900.

Charles D. Watson, of St. Albans, was born at St. Albans, July 29, 1860. He was educated at the St. Albans High School and at the University of Vermont. He studied law at the Boston University Law School and with Noble and Smith at St. Albans, and was admitted to the bar in 1886. He has practiced at St. Albans since 1890. He was City Attorney, 1909-1910; member of the House in 1908 and 1912; chairman of the Public Service Commission, 1913; President of the Vermont Bar Association, 1915; United States Commissioner, 1920.

Fred L. Webster, of Swanton, was born in Franklin, July 21, 1876. He was educated in the public schools and in the Law Department of the Southwestern University at Jackson, Tenn., where he graduated in 1901. He studied law in the office of Daniel G. Furman at Swanton and was admitted to the bar in 1903. He has practiced at Swanton since 1906. He represented Swanton in the House in 1910 and again in 1919; has been a member of the school board of Swanton since 1915; and was a member of the Board of Penal Commissioners, 1911-1913. In 1919 he was tendered the appointment of sixth Superior Judge by Governor Clement, but declined.

H. Elmer Wheeler, of St. Albans, was born in Berkshire, September 21, 1864, and was educated at Brigham Academy and Montpelier Seminary, where he graduated in 1887. He studied law at St. Albans in the office of Cross and Start and was admitted to the bar in 1891. He has since practiced at St. Albans. He was Superintendent of Schools in Berkshire; secretary of the Franklin County Board of Education, 1888-1889; and Mayor of St. Albans, 1905-1906.

GRAND ISLE COUNTY

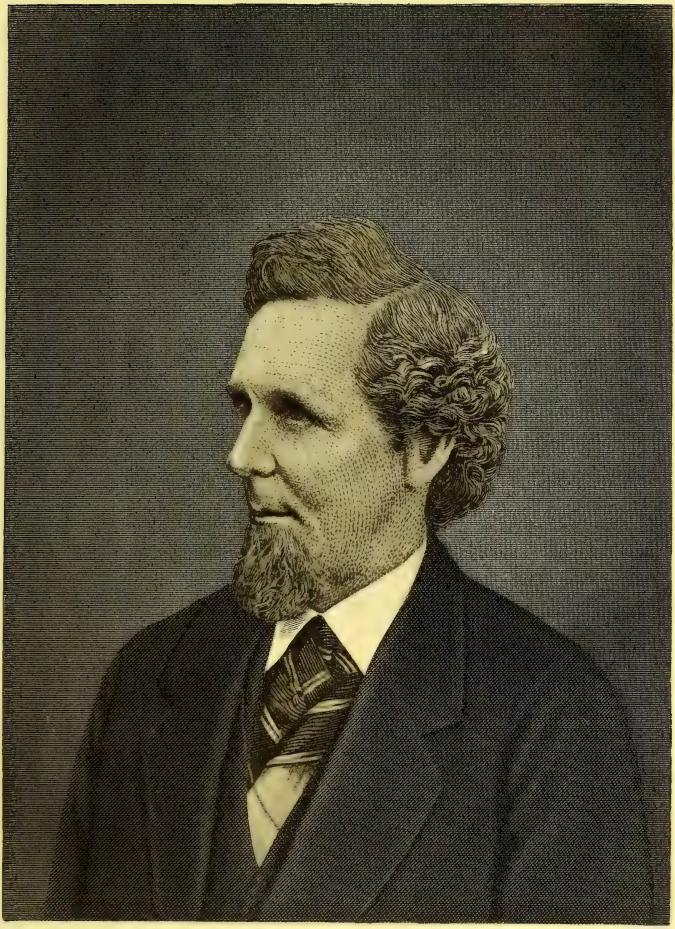
BY an act of the General Assembly, passed November 1, 1802, a county was formed from the towns of South Hero, Middle Hero, and the islands near, in Chittenden county, and North Hero, Isle LaMotte and Alburg in Franklin county, and was named Grand Isle county. The county buildings, located at North Hero, comprise a court house and jail. They were constructed in 1824 of Isle La Motte marble. The court house was first occupied in September of that year. In 1867 an addition was erected for the accommodation of the jailor. The building is happily located so that it overlooks the lake, is attractive in appearance, and well suited to the needs of the island county. Below are suitable offices for the County Clerk and the Judge of Probate, while above is the large court room for the sessions of the County Court. The County Clerk occupies the residence connected with the county buildings. The jail is in the court house building.

Before the erection of the present court house the courts were held at the residence of Jedediah P. Ladd at North Hero in his "ball room." The jail for keeping the prisoners was located in the upper story of his house. A ponderous oak door, barred and bolted in a substantial manner, was supposed to make the place secure, but in the rear was a window which opened out on a shed connected with the dwelling which afforded an easy access of escape. The first session of the court was held on the first Monday of March, 1806. One of the cases tried was that of Samuel Campbell v. Samuel Houston. The action was for slander and the gravamen of the charge was that the defendant falsely and maliciously proclaimed in a loud voice in the hearing of several faithful citizens that the plaintiff "was a pumpkin thief, and stole money from Timothy Lovell of Grand Isle; and apples from me (meaning the defendant); and he (meaning the plaintiff) stole a goose from William Stewart and potatoes from Law's Island," to the damage of the plaintiff fifteen hundred dollars. The jury awarded damages to the plaintiff in the sum of one hundred dollars and the costs amounted to two hundred and forty-three dollars.

The first important criminal case was tried at this term. It was for larceny and was entitled State v. Isaac Stevens. The respondent was represented by Cornelius P. Van Ness of St. Albans, but his efforts were unavailing. A verdict of guilty was returned and the court imposed the following sentence: "You, Isaac Stevens, are brought before this court for feloniously taking, stealing and carrying away three yards of blue broadcloth and forty dollars in silver, the just property of James Gilbert. You have plead not guilty of the

HENRY EDWARDS BRADFORD

Born in Southbridge, Mass., Sept. 19, 1819. He removed to Vermont and was pioneer of the knit goods industry in Bennington. His operations in founding this industry began in 1853, when he became the owner of the Wills and Fairbanks property, and in the spring of 1854 put it in operation in the manufacture of woolen cloths. He was the youngest of a family of eight children and at the age of nine years was put at work sorting wool. In the course of time he saved some money and about 1847 he engaged in the manufacture of woolen cloths at Millbury, Mass. At the end of four years he sold out to his partner and went to North Amherst, Mass., where he again engaged in the textile business. Looking about for a desirable place to locate an independent business, Mr. Bradford discovered an opening in Bennington and in 1853 he purchased the old Wills and Fairbanks property that had formerly been a cloth factory. At the end of three years the character of the business was changed and the first mill for the manufacture of knit goods was established there, under the firm name of H. E. Bradford and Company. The business was soon made a successful and profitable one and enlargements were necessary to meet the increasing demand for the product. Mr. Bradford gave liberally of his means to the support of the church of which he was a member, the Methodist Episcopal, as well as to all other worthy objects. He was an earnest advocate of the graded school for the village, and when that institution was erected gave generously and donated to the trustees apparatus for experiments in the scientific department. Mr. Bradford died April 10, 1878.



H. E. Bradford

Founder of the H. E. Bradford Company.

Pennington, Vermont.

crime; you have shown no signs of repentance, but have behaved with a show of arrogance. The court, notwithstanding, have feelings for you as men and severely lament your deplorable condition and situation; but as ministers of the law, they cannot flinch from their duty.

"Therefore the court give judgment and pronounce sentence, that you, Isaac Stevens, shall, between the hours of twelve o'clock noon and two o'clock in the afternoon of the 1st day of March A. D. 1808, receive twenty stripes on the naked body, and pay forty-five dollars as treble damages to the party aggrieved; pay costs of prosecution and stand committed until judgment be complied with." The sentence was carried into effect on the day appointed before a large crowd of people who had assembled to witness its execution. Stevens was brought down from the jail and bound to one of the posts supporting the shed, where he received the twenty stripes with apparent indifference.

The present terms of County Court are held on the fourth Tuesday of April and October. There are no resident lawyers in Grand Isle county. The offices of Judge of Probate and State's Attorney are held by laymen. The law business is not large. Frequently the winter terms do not last for more than one day. On the other hand, there are occasional trials that last for several weeks. Lawyers from St. Albans and Burlington try most of the cases.

MURDER IN ISLE LA MOTTE

At least one murder was committed in Grand Isle county, but as the offenders were committed to the jail in St. Albans and tried in Franklin county, the affair was considered as belonging to that county. It occurred during the time our fleet was located in waters adjacent to the islands during the War of 1812. Three sailors from the fleet went ashore with a subordinate officer and visited the dwelling house of Judge Hill, who kept an inn on the islands. After they had been in the house for a time, Judge Hill, for some unaccountable reason, took up a musket and called on the men to surrender as his prisoners. The officer in command ordered his men to fire. They did so and Judge Hill was instantly killed. The sailors at once took refuge on the vessel to which they belonged. The people of the town were highly excited, as Judge Hill was one of the most respected citizens.

The next day an officer and posse of men were sent on board the vessel to arrest the offenders. The three sailors were surrendered, but Commodore Macdonough refused to give up the officer in command. The sailors were committed to the jail at St. Albans and tried

for murder at the next term, and the jury returned a verdict of manslaughter. At the next session of the Legislature they were all pardoned.

The only explanation of the conduct of Judge Hill that has been made is that he thought the men to be English sailors and so decided to arrest them, not taking into account that there were four of them while he was alone.

JED P. LADD

1828-1894

The most conspicuous member of the Grand Isle county bar in recent years was Jed P. Ladd, who was born at North Hero, September 28, 1828, and died at Alburg Springs, December 29, 1894. He was educated at the St. Albans and Georgia Academies and commenced the study of law with Giles Harrington in 1844. He was admitted to the bar in Grand Isle county and continued in practice until his death.

No man was more prominently connected in his time with the civil and political history of his county than Mr. Ladd. There was hardly an office, either in town or county, that he did not hold. He lived at North Hero until thirty-five years of age and then moved to Alburg, where he remained the rest of his life. He was Town Clerk of North Hero; County Clerk from 1856 to 1862; State's Attorney for a time by appointment; Representative to the General Assembly from Alburg in 1874, 1876, and again in 1894, 1902 and 1904; County Senator in 1868 and 1869; State Auditor and Comptroller from 1876 to 1878. During the Civil War he was superintendent of the recruiting service in Grand Isle county.

JAMES L. COLLINS

James L. Collins, of East Alburg, was born at Noyan, Canada, February 16, 1867. He was educated in the common schools and at the high school in Swanton. He studied law with Jed P. Ladd at Alburg and was admitted to the bar in Vermont in 1898. After practicing for two years in Alburg he went to New York, where he was employed in the claim department of the Metropolitan Street Railway for a time and later with the Employers' Liability Assurance Corporation at the same place. Four years ago he returned to Vermont. He is station agent at East Alburg, practices law, and is a partner of D. G. Furman of Swanton.

LAMOILLE COUNTY

LAMOILLE county was incorporated in 1835. It embraced twelve towns: Eden, Hyde Park, Morristown and Wolcott from Orleans county; Belvidere, Cambridge, Johnson, Sterling and Waterville from Franklin county; Elmore and Stowe from Washington county; and Mansfield from Chittenden county. In 1839 two square miles of Mansfield were set to Underhill in Chittenden county. In 1848 Mansfield was annexed to Stowe, and in 1855 Sterling was divided among Johnson, Morristown and Stowe. Petition was made to the Legislature in 1834 for the new county and the bill creating the same passed the House, but was laid over in the Council. The next year, however, the bill passed both branches of the Legislature and the county was incorporated October 26, 1835. The act of incorporation provided that when some town should erect a suitable court house and jail then the county should be deemed to be organized. The lower end of the county wanted the shire located at Johnson and the upper end at Morristown. The opposing interests were evenly divided, but finally it was left to a committee to settle, and Joshua Sawyer, a lawyer of great influence in the county, secured the county seat for Hyde Park, the geographical center of the county. The first county buildings were erected by the town in 1837 and the first session of the court was held that year. The business that was pending in the courts from the towns that were transferred from the old counties to the new was brought to the county of Lamoille for disposition. Thus the law business was at hand when the buildings were ready for the courts and the lawyers in the cases came to the new county to try their cases. This brought together a great array of eminent lawyers, who gave a picturesque appearance to the new bar. The list included Gov. Paul Dillingham, Senator Willian Upham, Judge Timothy P. Redfield, Judge David A. Smalley, James Bell, Judge John Mattocks and many others who are less known to fame. The men of this period were trial lawyers; they were large physically and mentally and they had the manners and the dress of the old school. Clients came to court with the expectation that their cases would be tried and when these men were arrayed against each other a battle royal was sure to take place. Court proceedings were more stately in those days, the lawyers were more given to pomp and elegance, and the Sheriffs and their deputies, who conducted the Judges to and from the court house with much dignity, added to the solemnity of a session of court. It would not do to say that these great lawyers of an earlier period were not entirely human when out of court. Some of them were, indeed, a convivial lot who spent much time in patronizing the open bars in good fellowship with one another.

The original county buildings were continued in use with some repairs and alterations until April 17, 1910, when they were burned in the great fire of that year. By an act of the Legislature, passed October 10, 1910, a committee was appointed to erect new buildings at or near the site of the old ones and a tax was assessed to defray the expense thereof. The new buildings were constructed in 1911 at an expense of forty-two thousand dollars. These include the court house, jail and the residence of the jailor. They are constructed of red brick, are imposing in appearance, and their proportions are such that they might well accommodate the needs of the largest county of the State. On the first floor are the offices of the County Clerk, Judge of Probate, and the State's Attorney, which connect with suitable vaults for the safe keeping of the files and records of the county. On the same floor there are also offices for rental. On the second floor is the large court room, which connects with suitable rooms for the Judges, attorneys and jurors. The jail and dwelling house connecting therewith stand just north of the court house and are in keeping with the latter. The jail is modern in all its appointments. It has steel cages for the accommodation of twelve prisoners, a hospital and a tramp room. The courts are held on the first Tuesday in June and December in each year.

JOSHUA SAWYER

1789-1869

Joshua Sawyer, of Old Haverhill, Mass., brought a letter of introduction to friends in Vermont, bearing high testimony to his integrity, scholarship and gentlemanly qualities. He was born at the place above named, July 23, 1789, and was educated in what was known as the old school of gentlemen, and great urbanity marked his relations with his fellowmen throughout life. In June, 1809, he entered the office of Daniel Farrand at Burlington as a student in order to comply with the rules then in force in Chittenden county, that the last year's study must be in Vermont. It was the intention of Mr. Sawyer to locate in Hyde Park, then a part of Orleans county. On August 27, 1810, he was admitted to the bar and at once commenced practice at that place, where he remained for more than forty years and until his practice had grown to be one of the largest in the State. It is said that he was engaged in more suits than any other lawyer in Vermont. In his early practice he was extensively employed in the courts of Chittenden and Franklin counties, but his best field was in Caledonia and his own county. At a time when many brilliant lawyers appeared as his opponents, by the fertility of his resources, the brilliancy of his

wit and his remarkable self possession, he fairly held his own as a practitioner and commanded a large share of business and success. He was the peer of Mattocks, Bell and Baxter. He was remarkable for an exhaustless fund of anecdote, readiness of repartee, and courtliness of demeanor; he represented Hyde Park in the Legislature from 1811 to 1832, eleven terms. The last two or three years he was sent expressly as the most influential man to obtain an act for the incorporation of the new county of Lamoille. He may be said truly to have been the father of that county, as it was largely due to his skilful management in the Legislature that the county was organized, it formerly having been a part of Orleans. He was State's Attorney for the county of Orleans from 1816 to 1823. He died at Hyde Park, March 16, 1869, at the age of eighty years.

GEORGE WILKINS

1817-1902

George Wilkins was born in Stowe, Vt., December 6, 1817. He attended the district schools and during brief periods the academies at Johnson and Montpelier. He studied law with Butler and Brigham at Stowe, and was admitted to the bar in 1841. For five years he practiced in company with Mr. Butler, but in 1845 purchased his partner's law library and formed a partnership with L. S. Small. This firm was soon dissolved and thereafter Mr. Wilkins practiced alone. In 1852-53 he was State's Attorney of Lamoille county and in 1859 represented the county in the State Senate. He was an ardent admirer of Lincoln and was a delegate to the national convention of 1864, which gave Lincoln his second nomination. In 1868 he was a Presidential Elector from the third congressional district of Vermont and cast his vote for General Grant. In 1872, as a delegate to the national convention, he aided in the nomination of Grant. He was interested in education and in 1870 gave to each school in town a copy of Webster's Dictionary and he subsequently provided the schools with globes and astronomical apparatus. He was for twenty-five years the largest real estate owner in Lamoille county. He owned as many as forty farms and paid taxes in twelve different towns. He was one of the founders of the Lamoille County National Bank; of this he was a director from the first and he rarely failed in attending the bank meetings.

Mr. Wilkins married Maria N. Blanchard, a lady of fine intellect and many accomplishments. She exerted a strong influence, not only at home, but throughout the State. She was the first woman to occupy the position of superintendent of schools. She spoke entertainingly

on educational questions, and topics relating to the home, and wrote an excellent history of Stowe.

Mr. Wilkins was one of the most striking figures of his day. When upwards of eighty his eye was not dimmed nor his natural force abated. He bore himself erect and his step was firm and elastic. His manners were courtly and dignified and he was conspicuously the gentleman of the old school. The nestor of the Lamoille county bar, he was a busy practitioner for sixty years. He maintained unimpaired to the last his splendid mental powers, sound judgment and intimate knowledge of men and affairs. He was unusually able as a trial lawyer, earnest, thorough and resolute. He was engaged in a large number of important cases, involving large sums and was usually successful. His legal abilities and business tact were exerted in all things affecting the welfare of the community. He aided in all worthy public enterprises. His counsel was much sought by the people about him in all manner of personal matters and his advice and aid were freely given. His death occurred at Stowe, March 22, 1902.

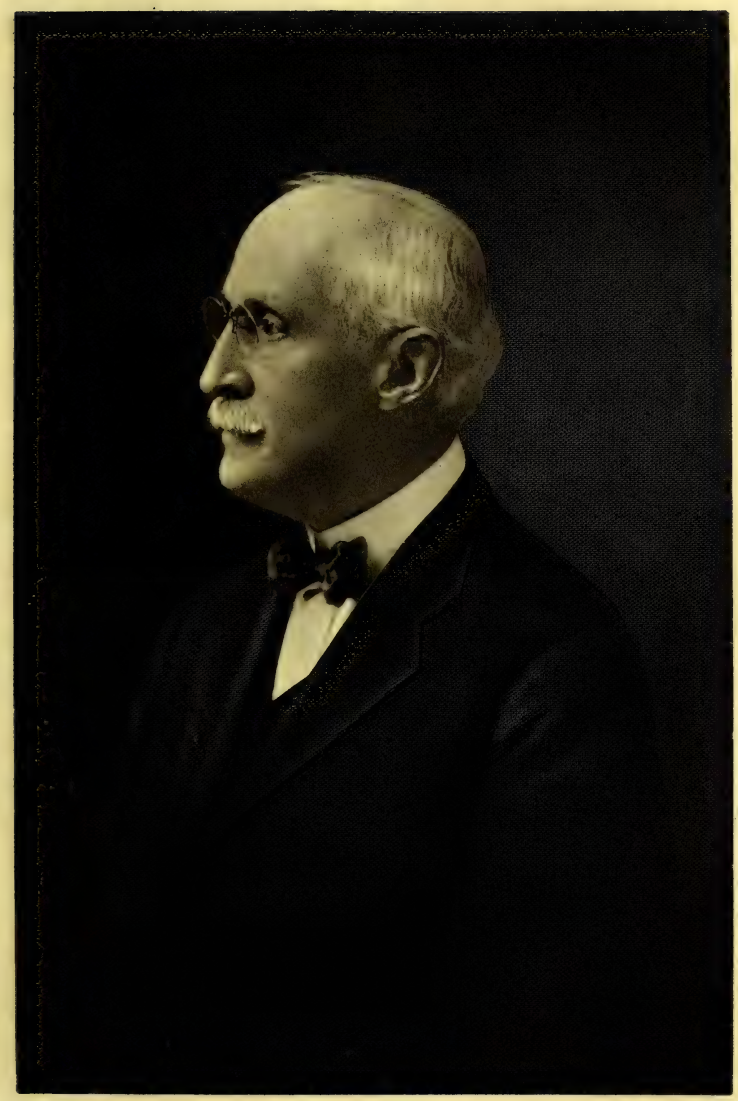
THOMAS GLEED

1826-1861

Thomas Gleed, brother of Philip K. Gleed, was born at Lyme Regis, Dorset county, England, July 8, 1826. When he was a small boy his father landed in Quebec, bringing Thomas with him. The elder Gleed remained in Canada until the rebellion of 1837, when he removed to Berkshire, where he preached for two years and removed to Waterville. Thomas Gleed was educated in the public schools, and in 1844 was a teacher in Morristown. Two years later he began the study of the law in the office of Judge Luke P. Poland at Morrisville and was admitted to the bar in 1849. He practiced at Waterville until the fall of 1853, when, having been elected State's Attorney of Lamoille county, he located at Morrisville, where he remained in practice until his death on August 30, 1861. He was elected State's Attorney again in 1854 and the next year was made a member of the Council of Censors. In 1856 and 1857 he represented Lamoille county in the Senate and the two following years represented Morristown in the General Assembly. He married Cornelia A. Fisk and there were born to them two sons, Charles S. Gleed, now of Topeka, Kan., and Willis Gleed of St. Louis. Thomas Gleed was a man of brilliant mind and he had exceptional gifts as a trial lawyer. He was cool, courageous and vigilant and he seized every advantage offered by his adversary and gave no signs of the weak points of his own case. He tried no cause without first consulting carefully with his

FRANK D. ABERNETHY

Born in New Haven, Vt., December 26, 1858. After his father's death, in 1866, the family removed to Bristol. Mr. Abernethy received his educational training in Bristol Academy and in 1875 became a clerk in a store in a neighboring town. In October, 1880, he entered the employ of the well-known Burlington dry goods firm of Lyman and Allen, the firm name remaining unchanged until the death of Edward Lyman in 1890. Mr. Abernethy had acquired an interest, and the firm name became H. W. Allen & Company. The business continued without further change until 1910, when he purchased the interest of Heman W. Allen and since that date he has conducted the business under his own name, that of wholesale and retail dry goods. He is a director and vice-president of the Merchants' National Bank, a member of the Washington Lodge of Masons, the Episcopal Church, and many social clubs. He is president of the Vermont State Chamber of Commerce and a member of and director of the Burlington Chamber of Commerce.



THE CENTURY HISTORY CO

F. D. Abernethy

client and the witnesses and advising the former of the probable outcome of the case. He possessed remarkable power of concentration, had an unfailing memory, and was a well-trained debater and an effective advocate. He was greatly beloved on account of his integrity and faithfulness to his clients. Men learned to trust him and he was always the poor man's friend. He was possessed of a Christian spirit and on his death bed left this message to his brother, Philip: "Tell him to be a Christian lawyer, that legal studies and business sprinkled with Christianity give depth of thought and strength of mind and make easy the deep things of the law."

WALDO BRIGHAM

1829-1900

Waldo Brigham was born at Bakersfield, Vt., June 10, 1829, and died at Hyde Park, April 2, 1900. He was the youngest of the family of ten children of Asa and Sally Hardy Brigham, who were farmers. His early education was obtained in the district school and at Bakersfield Academy, after which preparation he entered the University of Vermont, from which he graduated with honor in the class of 1854. The following year he assumed the duties of principal of the St. Lawrence Academy at Potsdam, N. Y., after which he took up the study of the law, first in the office of W. C. Wilson in Bakersfield and afterward in the office of John A. Child and Whitman G. Ferrin at Hyde Park. He was admitted to the bar of Lamoille county at the May term, 1857, and shortly thereafter at East Berkshire entered the office of Judge Homer E. Royce, then a member of Congress from Vermont. After practicing his profession for four years in Franklin county he returned to Hyde Park, where, in 1862, he entered the office of his preceptor, John A. Child, whose professional duties he expected to assume while Mr. Child was at the front with the northern army. But Mr. Child suddenly sickened and died and shortly thereafter Mr. Brigham formed a partnership with George L. Waterman, which continued until 1884, when the failing health of Mr. Waterman compelled a dissolution of the partnership. During the quarter of a century that the firm was in practice there was hardly a case of prominence on the Lamoille county docket in which did not appear Brigham and Waterman, while against them were arrayed the leaders of the Lamoille county bar. After Mr. Waterman's retirement from practice a partnership was formed with his son-in-law, Henry M. McFarland, which continued for three years, when ill health compelled Mr. Brigham to retire from active practice. He was largely instrumental in the building of the St. Johnsbury and Lake

Champlain Railroad, was an earnest supporter of the public schools and a public spirited citizen. Being always a Democrat in politics, high office was not within his reach in Vermont; but he served Hyde Park with credit three times in the Vermont Legislature and was a candidate of his party for the leading offices in Vermont, both State and National. His talents were practical rather than brilliant. Strength, earnestness, honesty and good sense rather than genius were the attributes that won him success.

PHILIP K. GLEED

1834-1897

Philip K. Gleed was born in Granby, Quebec, September 10, 1834. He came in his youth to Morrisville, where his brother, Thomas, was a well-established lawyer, and there he became a student in the Peoples Academy. He afterwards attended Bakersfield Academy and Troy Conference Academy, from which he graduated in 1855, and Union College, New York, from which he graduated in 1859. Following his graduation he taught in Morrisville and in the meantime pursued his legal studies with his brother. He was admitted to the bar in Lamoille county. He was State's Attorney for the county, 1867-68, and again, 1880-82. He represented Morristown in the Legislature in 1868-69; was trustee of the Reform School in 1869; assessor of internal revenue in 1870-74; State Senator and president *pro tem* of the Senate, 1880-81, and Commissioner of State Taxes, 1890-92. He was a member of the committee on revision of the laws in 1893-94. He was president of the Vermont Bar Association in 1888. He held almost all of the local offices; was director of the bank at Morrisville as well as the one at Hyde Park. In all the offices intrusted to him he displayed sound judgment and conscientious fidelity.

It was the aim of Mr. Gleed's father to make a preacher of him and once, while the elder Gleed was preaching in Waterville, he announced that his son, Philip, would preach that evening. The address that followed was scholarly and delivered in the style of an enthusiastic, ambitious student. But the following day, while laying shingles to pay a past due board bill, he contemplated the struggles and hardships which his father had endured and decided he would try the law instead of the ministry as a livelihood. For a time after his admission he practiced at Richmond, Vt., but his brother, Thomas, soon dying, he removed to Morrisville which thereafter was his home. In 1862 he formed a partnership with Judge H. H. Powers which continued until 1874, when the latter was elected a Judge of the Supreme Court. The firm of Powers and Gleed was one of the

strongest in northern Vermont. Their services were valuable and their success was remarkable. During the partnership Judge Powers did more of the trial work, while the office and preparatory labor fell on Mr. Gleed. They were admirably adapted to work together in this way. Following the election of Judge Powers to the bench, Mr. Gleed became proficient and successful as a trial lawyer, and as a jury advocate and court lawyer he had few equals. He was remarkably industrious, gave his cases the most careful preparation; he was a first-class lawyer. His mind was quick to comprehend, analyze and apply, and his love of justice was inflexible. As an advocate he was strong, clear, logical, witty and eloquent and sometimes sarcastic. He was apt to carry the jury with him and the audience delighted in his easy manner, choice language, fluent and graceful delivery. He had, too, the arts of the special pleader and could trip his adversary if he got on the wrong track. He died at Morrisville, June 29, 1897.

GEORGE L. WATERMAN

1838-1886

George L. Waterman was a leader at the Lamoille county bar for twenty years. He was the son of Vernon and Adaline Cady Waterman, a brother of Mrs. H. Henry Powers and uncle of Justice George M. Powers. He was born in Morristown, August 9, 1838, and died at Hyde Park, August 11, 1886. His education was received at Peoples Academy and at the University of Vermont. He graduated from college in 1860 and received an election to the Phi Beta Kappa Society. He pursued his legal studies in the office of Leander Small at Hyde Park and was admitted to the bar in 1862. During the year of his admission he formed a partnership with Waldo Brigham and practiced with him at Hyde Park for a period of twenty-two years. There was hardly a case of any prominence in the County Court in which the firm did not participate during this time. Being a lifelong Democrat the usual offices did not fall to Mr. Waterman. He represented Hyde Park in the General Assembly in 1872, was a candidate for Congress in 1880, often presided over State conventions of his party, and attended as a delegate the National Democratic Convention held at Cincinnati in 1880. He was an accomplished lawyer, who was well versed in the law as a profession and able to practice with success against the best men of his time. His personality and talents equipped him for efficient service as a trial lawyer, where he excelled alike in presenting the evidence and in marshaling it before the jury. He was eloquent whether engaged in the advocacy

of cases or in the discussion of party issues. He was, moreover, a gentleman of the old school. His manners were gracious and courtly and his kindliness and thoughtfulness were always manifest in his relations with others.

PRESENT MEMBERS OF THE LAMOILLE COUNTY BAR

Thomas C. Cheney, of Morrisville, was born at Morristown, October 10, 1868. He was educated at the Peoples Academy, where he graduated in 1886, and at the University of Vermont, where he graduated in 1891. He studied law in the office of George M. Powers at Morrisville, was admitted to the bar in 1895 and has since resided at Morrisville. He was State's Attorney, 1900-1902; Assistant Clerk of the House; Clerk of the House from 1898 to 1906; member and Speaker in 1906 and 1908; and Legislative Draftsman since 1915.

Henry C. Fisk, of Hyde Park, was born at Morrisville, July 22, 1852. He was educated at Peoples Academy and at Peacham Academy, studied law with Gov. George W. Hendee and with Philip K. Gleed at Morrisville and was admitted to the bar in 1875. He practiced at Morrisville, but has not been in practice for some time.

Frederick G. Fleetwood, of Morrisville, was born at St. Johnsbury, September 27, 1868. He was educated at St. Johnsbury Academy, the University of Vermont, and Harvard University, where he graduated in 1891. He studied law in the office of Philip K. Gleed at Morrisville, was admitted to the bar in 1894 and has since practiced there. He was Town Clerk of Morristown, 1896-1900; member of the House, 1900; State's Attorney, 1896-1898; secretary on the commission for the revision of the Vermont Statutes, 1893-1894; Presidential Elector, 1900; Secretary of State, 1902-1908, and from September, 1917, to January, 1919, and elected Congressman from the First District in 1922.

Roger W. Hulburd, of Hyde Park, was born at Waterville, October 22, 1856, and was educated at Montpelier Seminary, Peoples Academy, and the University of Vermont. He graduated at the University in 1882 and studied law at the Albany Law School and with Brigham and McFarland at Hyde Park. He was admitted to the bar in 1887 and has always practiced at Hyde Park with the exception of one year, when he had his office in Burlington. He was State's Attorney in 1894; County Senator in 1896; member of the House in 1906; and Lieutenant-Governor in 1917-1918. Governor Hulburd adds to the usual attributes of an accomplished lawyer the graces of a

polished orator. He stands at the head of the Vermont bar in this regard. His voice is often heard in conventions, on the stump, in legislative gatherings, at public banquets, and on patriotic occasions, and always to the delight of his listeners. His diction is choice, his sentiments exalted, his voice musical, and his manner dramatic and impressive.

Dean A. Lafountain, of Morrisville, was born in Montgomery in 1884 and was educated at Brigham Academy, where he graduated in 1906, and at the Central Business College of Syracuse, where he graduated in 1908. He studied law in the office of Frederick G. Fleetwood in Morrisville and with M. P. Maurice of the same place, and was admitted to the bar in 1912. He has practiced at Morrisville since his admission.

Henry M. McFarland, of Hyde Park, was born at Waterville, August 5, 1852. He was educated at the Peoples Academy, where he graduated in 1878, and at the University of Vermont. He studied law at Hyde Park in the office of Brigham and Waterman and was admitted in 1881. He has always practiced at Hyde Park and has held the following offices: State's Attorney, 1884-1886; Secretary of Civil and Military Affairs, 1890-1892; chairman of the board of trustees of village for several years; member of the House, 1919; and trustee of the University of Vermont.

Albert A. Niles, of Morrisville, was born in Morristown, May 28, 1842, and was educated in the district schools and at Peoples Academy. He studied law in the office of Powers and Gleed at Morrisville and at the Ann Arbor Law School and was admitted in 1869. He practiced with M. O. Heath at Johnson in 1870, in 1872 opened an office in Morrisville, the same year was elected State's Attorney and served for one year. He has held many town offices and from 1900 to 1918 was town and village clerk and treasurer.

Harry A. Noyes, of Hyde Park, was born at Hyde Park, June 4, 1871. He graduated from the Lamoille Central Academy in 1889 and from the University of Vermont in 1893. He studied law at the New York Law School, where he graduated in 1898. He was admitted to the bar of New York the year of his graduation and practiced at Elmira for three years. In 1903 he returned to Hyde Park, where he is employed as cashier of the Lamoille County National Bank. He has not been in active practice in Vermont. He has held the office of School Director for fifteen years.

Wallace H. Parker, of Cambridge, was born at Fairfax, December 6, 1839, and was educated in the common schools, at New Hampton Institute at Fairfax, and Spaulding Academy at Barre. He studied law with H. J. Stowell at Cambridge, was admitted in 1877 and has always resided at Cambridge. Every grandfather on each side of the family to which Mr. Parker belongs, including the period from the Revolution to the War of 1812, was a soldier, and he and his brother, Col. Myron M. Parker, were soldiers in the Civil War. He was commissioned First Lieutenant and was assigned to Co. I, 122nd Regiment, U. S. C. T., and was discharged at Corpus Christi. He has held all the town offices; was State's Attorney in 1884, and represented Cambridge in the House in 1886; was one of the judges at the World's Columbian Exposition at Chicago; and was U. S. Immigrant Inspector at Quebec, 1897-1911.

Carroll F. Randall, of Morrisville, was born in Eden, January 25, 1856, and was educated at the Lamoille Central Academy at Hyde Park and the Peoples Academy at Morrisville. He studied law in the office of Brigham and Waterman at Hyde Park and was admitted to the bar in 1878. He has never practiced, but has been engaged as proprietor of the hotel at Morrisville. He has held many town offices.

William E. Tracey, of Johnson, was born at Belvidere, November 6, 1876. He was educated in the common schools and at Johnson State Normal School. He studied law with Bert A. Hunt at Johnson and was admitted to the bar in 1902. He has practiced at Johnson since his admission. He was Town Clerk and Treasurer, 1907-1911; State's Attorney, 1906-1908, and since February 1, 1919; member of the House, 1919.

Fred H. McFarland, of Hyde Park, was born at Waterville, March 9, 1854, and was educated in the Morrisville Graded School and at Peoples Academy. He studied law with Roger W. Hulburd at Hyde Park and was admitted to the bar in 1898, and has practiced at Hyde Park. He was Superintendent of Schools in Waterville, and for sixteen years Referee in Bankruptcy for Lamoille county.

ORANGE COUNTY

AT the first session of the Vermont Legislature held in March, 1778, the State was organized with two counties, Cumberland being the name given to the part east of the Green Mountains and Bennington to the western division. In 1781 the Legislature divided Cumberland county into Windham, Windsor and Orange counties. The limits of the first two were substantially the same as now, while Orange extended from the northerly boundary of Windsor county to Canada. Caledonia, Essex and a part of Orleans counties were taken from Orange county in 1792. Five years later the Legislature divided the State into eleven counties, which division was subsequently increased to fourteen by the organization of Lamoille, Grand Isle and Washington counties. When the last named county was formed in 1810 the towns of Barre, Berlin and Roxbury were taken from Orange and added to the new county, leaving Orange with seventeen towns.

When the provincial government of New York organized Gloucester county, about 1769, Kingsland, now Washington, was made the county seat. The old county of Gloucester corresponded to the new county of Orange, while the counties of Windham and Windsor were included in what was then Cumberland county. The town of Kingsland was wholly uninhabited at the time of the provincial organization and not a road was built nor a house, save a simple log hut which was hastily constructed for a court house and jail. The courts were to be holden quarterly, on the last Tuesdays of May, August, November and February. No causes were entered in court until the November term, 1770, when eight were docketed and continued until the February term, 1771. What was done at the February term appears from the original entry now in the County Clerk's office at Chelsea, where all that remains of the records of Gloucester county is kept:

"Feby. 25th, 1771. Set out from Moretown* for Kingsland traveled until Knight there Being No Road and the snow very Deep we traveled on snow shoes or Raccatts on the 26th we traveled some ways and held a council when it was concluded it was best to open the Court as we saw no Line it was not***whether in Kingsland or Not But we concluded we were far in the woods we did not expect to see any House unless we marched three miles within Kingsland and No one lived there when the Court was ordered to be opened on the spot.

"Present John Taplin Judge
"John Peters of the Quor'm
"John Taplin, Jun. Sheriff.

*Now Bradford.

"All causes continued and adjourned to the next term. The Court, if one, adjourned over to the next Tuesday in May next."

Courts were held here until August, 1772, after which they were held alternately at Kingsland and Newbury until February, 1774. This was the last term held in Gloucester county and no courts were held within that territory thereafter until June, 1781, when the first term of the Orange County Court was held at Thetford at the tavern of Captain William Heaton. The County Court was held here until December, 1785, after which it was held, until the December term, 1796, at Newbury, in a court house built for the purpose. Chelsea then became the permanent county seat. Here the court was first held in the upper arched room used as the town hall, which stood on the main street. The same room served for the court, town and religious meetings and other public gatherings. In 1810 a commodious court house was built at the east end of the south common. This, too, served as a place for religious worship until the local societies erected churches in the village. By 1847 the building had become decayed and inadequate for the needs of the county. It was taken down, and the present modest, chaste and commodious structure was erected nearly upon the same site.

In 1896, on the one hundredth anniversary of the establishment of the shire at Chelsea, the event was fittingly celebrated by appropriate exercises held at that place. The address of welcome was delivered by Joseph K. Darling of Chelsea and the response was made by Chief Justice John H. Watson, then of Bradford. Matthew Hale of Albany, N. Y., a native of Chelsea and a prominent member of the bar of the State of his adoption, contributed to the occasion in a letter of "Personal Reminiscences of Half a Century Ago." An historical address was delivered by Ex-Gov. Roswell Farnham of Bradford and Hiram A. Huse of Montpelier, a distinguished lawyer of Orange county birth, spoke on the early history of the county. Letters were read from the Judges of the Supreme Court, from some of the oldest lawyers then at the bar, and from several State officials. The proceedings of this meeting are preserved in the *Chelsea Herald* of October 8, 1896.

The courts of Orange county are held on the first Tuesday of June and December.

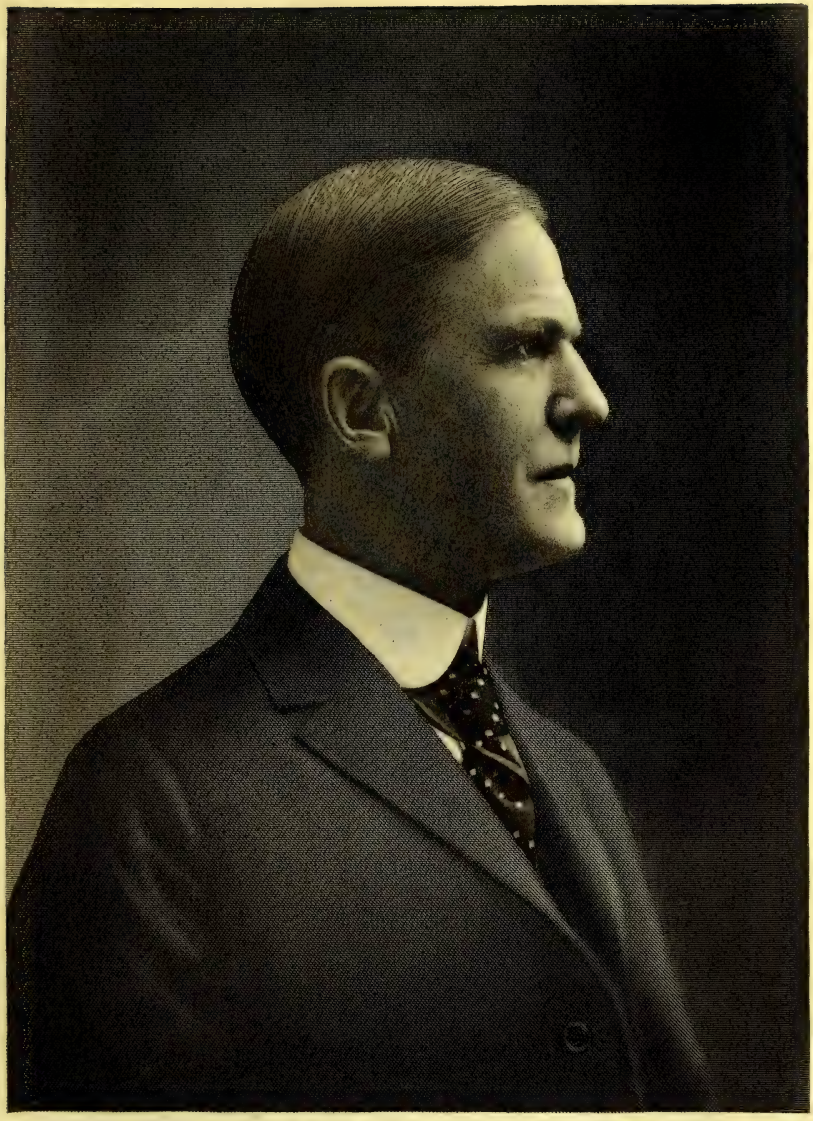
PETER BURBANK

1781-1836

Peter Burbank was the first lawyer to locate at Newbury, coming from Connecticut. He was a strong and well-read lawyer, of good common sense, great memory, and exceptional influence with courts

GEORGE L. DUNHAM

Born in North Paris Me., June 15, 1859. He was educated in the public schools, at Hebron Academy and Colby College. He removed to Brattleboro in 1885 and has built up a large business as a wholesale dealer in boots and shoes. He was elected a member of the House of Representatives in 1917 and 1919 and was a State Senator from Windham county in 1921, being one of the leaders in legislative business.



George L. Dunham.

and juries. His energy was untiring and his success very marked. He was a member of the House in 1829 and in 1831, secured the charter of the bank of Newbury the latter year and was its first president. In politics he was a Democrat. He was a man of many eccentricities. He delighted in a long coat which came nearly to the ground, a ruffled shirt, stained with tobacco juice, and a broad-brimmed Quaker hat. Thus attired, with a boot on one foot and a shoe on the other, he would go to court, followed by a crowd of men and boys whom he entertained by stories, quirks and gibes. But he was capable of a sudden transformation of manner and could at once shake off the clown and become the gentleman. In society no man could be more brilliant and entertaining, and at the bar he was almost irresistible, defeating some of the most eminent men of his time with ease. He was of the Governor Mattocks school of oratory and ranked with Collamer, Marsh, Fletcher and Bell. He saved $30,000 in his practice, a large sum for that period. He was seized with a fatal malady when fifty-five years of age and he hastened his taking off by sitting by an open window in the severe weather of winter. He was fond of farming, loved horses and owned the best saddle horse in the country. His epitaph in the old cemetery at Wells River, to which a long procession accompanied his remains, reads:

Hon. Peter Burbank,
Counsellor at Law,
Obit. Jan. 16, 1836,
Aged 55 years.

LEVI B. VILAS

1811-1879

Levi B. Vilas was born in Sterling, Lamoille county, February 25, 1811. He received an academic education and entered upon a collegiate course with such intense application that his health became undermined and he was obliged to forego its completion. After a thorough study of the law he was admitted to the bar at St. Albans in 1833 and practiced his profession at Morristown, Johnson and Chelsea for eighteen years, after which he removed to Madison, Wis., where he remained in practice until 1856. He died at the latter place, February 6, 1879.

From the first he was a leader at the bar. His professional reputation for ability and learning placed him in the front rank of the most eminent members of the profession.

Early in his career Judge Vilas took an active part in politics and he held many positions of honor and trust. In 1835 he was elected from Johnson to the Constitutional Convention. In 1836 and 1837 he represented Johnson in the Legislature, and during the same time he was Judge of Probate. Removing to Chelsea in 1838, he was again honored by being elected in 1840, 1841, 1842 and 1843 to the Legislature, serving during all the time on the Judiciary Committee and in the last session as chairman. He was elected State Senator in 1845 and re-elected in 1846, when he served as president *pro tempore* of that body, although his party was in the minority. He was Judge of Probate for three years in Orange county, and in 1850 represented Chelsea in the Constitutional Convention. He was a candidate for Congress in 1844, but failed of an election.

On removing to Madison in 1851, Judge Vilas acquired in that State a high standing in his profession and as a citizen. Having accumulated a comfortable fortune he soon retired from practice, but afterwards held many important offices. He represented the Madison assembly district in the Legislature in 1855, 1863 and 1873, during which time he labored industriously for the advancement of the interests of his constituents. In 1861 he was elected Mayor of Madison, without opposition, serving one year. For twelve years he was Regent of the State University, which he ably and loyally supported and which he sought to establish and maintain on a firm basis. His five sons graduated here with honor.

ROBERT McKINLEY ORMSBY

1814-1881

Robert McKinley Ormsby was born in Corinth, Vt., June 29, 1814, and died at East Chester Hill, N. Y., February 22, 1881. He spent his childhood in Bath, N. H., where he received a common school education. In 1831 he was a student at Bradford Academy, where he first showed an aptitude for writing. In 1833 he removed to Massillon, Ohio, where he taught school for a while. In 1836 he went to Louisville, Ky., where he became a student in the university in that city and replenished his slender purse by writing for the daily papers. A series of articles that he wrote attracted the attention of Judge Marshall of that State, who called at the newspaper office to learn the name of the author, and on being advised he asked the young man to come into his office as a student and into his home as a boarder. He remained in the office of Judge Marshall until his admission to the bar. Humphrey Marshall and the celebrated Tom Marshall were sons of Judge Marshall and friends of Mr. Ormsby.

Mr. Ormsby came to Vermont in 1842 and located in Bradford, where he remained until 1866, when he removed to New York City, where he was in practice until his death. In the early years of his practice his clients were not numerous and he had much time in which to study law and such literary works of high character as were available. He accumulated a large law and general library and his business increased until he had all he could do. He had excellent gifts as a lawyer, but is better remembered by his writings. While in Bradford he wrote a serial story entitled "Kritz Lemberg," which was afterwards issued in book form. He also prepared a spelling book which later was adopted as a text book in Vermont and had an extensive sale. He was a pronounced Whig in politics and when Daniel Webster announced his candidacy for the presidency he threw himself into the campaign with great earnestness. He edited and published at Bradford at this time in the interest of Mr. Webster the *Northern Enquirer,* a weekly newspaper. He was a candidate for State Treasurer on the ticket of Old Line Whig Party, but was defeated. In 1859 he published "A History of the Whig Party," a book of three hundred and seventy pages. The sale of this book was not large, as the party had passed out of power. He also prepared a standard spelling book, printed by Asa Low of Bradford. In 1864, having joined the Democratic party he became their nominee for Congress, but again was defeated. In 1857 he formed a partnership with Roswell Farnham which lasted for two years. His introduction to the bar of New York was through its leader, Charles O'Conor, with whom he was associated in the defence of Jefferson Davis. In New York he was a frequent contributor to the press and among other writings he published a poem entitled "Darwin." This was a dialogue between Christian and Philosopher who engaged in dispute over the theories of Darwin and Huxley. The last two lines of the poem are these:

It is the true sphere of philosophy
To find out God and not ignore Him.

Judge Peck used to tell an interesting story of Mr. Ormsby. Before the usual closing hour of court in the afternoon the case on trial was finished and the next case called. It was Mr. Ormsby's case and his associate pleaded for time until morning, Mr. Ormsby not being in court. Judge Peck took a recess until 8.30 o'clock instead of 9 o'clock in order to save such time as had been lost in the afternoon. When court convened next morning the Judge directed the clerk to call a jury in Mr. Ormsby's case, but he was still absent. When the court inquired about his whereabouts and found he was at the hotel he ordered the Sheriff to "produce him in court." In a few moments the door to the court room opened and in it appeared

the Sheriff with his hand on Mr. Ormsby, who was in the act of drawing one of his suspenders over his shoulder. He had been taken out of bed and brought to the court house post haste and hadn't had time to fully dress. The Judge said sternly: "Why weren't you here when court opened?" To which Mr. Ormsby replied: "I didn't know court opened before breakfast."

He was genial and obliging, was well versed in the intricacies of the law and successful as a practitioner. The *New York Times* said of him on the occasion of his death that he "was a man of decided mental power and an active philosophical political student."

ROSWELL FARNHAM

1827-1903

Roswell Farnham was born at Boston, July 23, 1827, and died at Bradford, January 5, 1903. On both sides he came from good New England stock. His father, after financial reverses in Massachusetts, came to Bradford in 1840 and located on one of the beautiful Connecticut River farms. Roswell, as was the custom in those days, labored strenuously on his father's farm, but having an inclination toward a higher education he began a course of study at the Bradford Academy. Here he not only fitted for college, but under the tutelage of William C. Belcher, pursued the studies of the freshman and sophomore years so that in 1847 he was able to enter the junior class of the University of Vermont, from which he graduated with honor in 1849, and three years later received the degree of Master of Arts. Among his college mates at that time were John Q. A. Fellows, a native of Topsham, who became a celebrated lawyer at New Orleans and who was associated with Ex-Justice Campbell in the famous "Slaughter House Cases," and Matthew Hale, a Chelsea lad who was a distinguished lawyer in New York. After his graduation, young Farnham taught at Durham, Canada, and in 1850 took charge of the Franklin Academical Institution at Franklin, Vt., where he taught for three years, after which service he successfully conducted the Bradford Academy for two years. During his spare moments as a teacher he had been studying law, largely under the direction of Robert McKinley Ormsby of Bradford. He was admitted to the Orange county bar at the January term, 1857. He began practice with Mr. Ormsby at Bradford, with whom he remained for two years, and then opened an office by himself in the same town and there remained throughout his life. He answered to the first call of President Lincoln for troops. He was a Lieutenant and the Captain of the Bradford Guards and afterwards Lieutenant-Colonel of the Twelfth Vermont Regiment. He

was in command of the regiment in the night attack at Fairfax Court House in December, 1862. He took part in the battle of Gettysburg and was mustered out July 14, 1863. On returning home from the war he entered with zeal upon the practice of his profession and for many years his docket was one of the largest in Orange county. He was connected with much of the important litigation and took a leading position at the bar. He was careful and methodical in preparation and acquired an intimate knowledge of the details of his cases. His papers were drawn with great care and accuracy. As an advocate he appealed to the reason rather than the passions and prejudice of the triers, and convinced by his firmness in speech and manner rather than in boisterous declamation. He adorned the profession with a culture which included history, ethics and general literature as well as the law. His talents eminently fitted him for the position of president of the Orange County Bar Association, a place which he filled from its organization to the time of his death. Here his taste for historical research and fine literary talents found valuable employment in the service of preserving the careers of his associates at the bar. He is the author of the sketch of the "Bench and Bar of Orange County," published in "Childs' Gazette of Orange County."

In 1859 he was State's Attorney of his county; from 1865 to 1868 was a member of the Republican State Committee; in 1868 and 1869 a State Senator; in 1876 a delegate to the Republican National Convention and a Presidential Elector; served on the State Board of Education in 1873, 1874 and 1875, and for many years was a trustee of the University of Vermont, and in 1880 became Governor of Vermont, being the only Governor ever furnished by Orange county. In 1889, President Harrison appointed him National Bank Examiner. This he resigned a few months later to become the president of a large business enterprise in New England City, Ga., at a salary of $10,000 per year. In July, 1898, he was appointed Referee in Bankruptcy, a place which he held until his death. All his official trusts were discharged with ability and fidelity.

D. ALLEN ROGERS

1828-1881

D. Allen Rogers, of Wells River, was born in Columbia, Coos county, N. H., September 11, 1828, and died at Wells River, July 11, 1881. His father, Daniel Rogers, was a clergyman who settled north of the White Mountains and combined the duties of the minister with the toils of the frontiersman. It was a wild country where he had settled, the woods abounded, and wild game and fish were in great

abundance. The amusements were mainly fishing and hunting and the teaching which he received in his early years was from his father and mother. But he did not neglect his books. After acquiring such advantages as the common school afforded he entered the academy at Farmington, Me., so long taught by the Abbotts, the authors. Here he made good use of his time and finished his academic education. Soon after leaving the academy he entered the office of Lyman T. Flint of Colebrook as a student, later was admitted to the bar of Coos county and opened an office for the practice of the law in Colebrook. Here he was made Postmaster. In 1859 he sold out his business at Colebrook with the expectation of locating in Washington, but was prevented from going and went instead to St. Johnsbury, where he remained for a year and then located in Wells River, where he formed a partnership with Charles B. Leslie. He remained here until his death. He held several town offices, represented Newbury in the Legislature in 1872 and was State's Attorney of Orange county from 1876 to 1878. Mr. Rogers was not what is known as a scholarly lawyer, but he had good attainments, more than usual mental ability an unusual skill and industry. His phrases and language were in the vernacular of the farm and thus adapted his speech to the understanding of the jury. He was, moreover, so well versed with all the many duties and experiences that make up the life of the farmer that he well knew how to appeal to a farmer jury, and his examination of witnesses and his arguments to the jury were very effective. He made the jury feel that he was one of their kind. He had a fund of curious knowledge on which he drew and illustrated every point by some anecdote in his own experience. If these illustrations were not always elegant, they were at least forcible and sure to bring the laugh on his opponent. I used to hear Judge H. Henry Powers, who presided at the trial, tell of his argument in the case of Melendy v. Bradford, a celebrated suit tried in Orange county at the June term, 1881, and reported in 56 Vermont Reports, 149. It was an action for an injury on the highway and it was claimed on the part of the town that two wagons passed each other at the point of the accident, one a light and one a double wagon, in a space claimed by the plaintiff to be only ten feet wide. He carried the jury with him in his reply, in which he said: "My friend, the counsel for the town seems to think you take stock in the idea that two wagons passed each other at the point where the accident happened and where we say the road is but ten feet wide. Gentlemen, you know how wide a ten-foot barn door is and you know how wide your hay wagon is. I leave it to you to say whether the learned counsel could drive his buggy wagon into your barn floor by the side of your hay wagon." This was a fair sample of his many commonplace illustrations.

GEORGE H. MORSE

Born in Boston, January 3, 1839. He studied in the public schools and graduated from Northfield (Mass.) Academy. He secured a position with the lumber firm of Flint and Hull, but in 1862 removed to San Francisco, Cal., where he was employed by the large lumber firm of Pope and Talbot. In 1866 he returned to Boston and the following year went to Burlington, Vt., to reside. In 1868 he purchased the lumber business of Lawrence Barnes and with others organized the Shepard and Morse Lumber Company. He became a director of the Saginaw Lumber and Salt Company, the American Milk Sugar Company, the Vermont Life Insurance Company, and was interested in the Baldwin Refrigerator Company. Mr. Morse served several times as a Burlington Alderman and was Mayor of the city in 1883 and 1884. He went to New York in 1893 and in 1895 became connected with the firm of William M. Crombie and Company. Mr. Morse married Kate Russell of New Bedford, Mass., in 1867. Two sons, Harold R. and Herbert W., were born to them. Mr. Morse died March 4, 1905.

Geo. H. Morse

In his relations with his fellow attorneys, Mr. Rogers was warm and entertaining. Governor Farnham said of him that he was the most entertaining man he ever knew, that he had a great fund of anecdote and personal reminiscences that seemed inexhaustible, that these were quaint and peculiar and smacked of frontier life, the woods and mountains of New Hampshire, that he was courteous, kindly, honest and above all, a Christian gentleman.

LYMAN G. HINCKLEY

1832-1887

The office of County Clerk has always been an important one in Orange county and it has been adorned by able men. In the later years the incumbent has been a member of the bar. Some of these men should be mentioned. To go back to 1855 it will be found that Burnam Martin held the office. He was a lawyer of respectable talents and a citizen of high standing. He was honored by election to the office of Lieutenant-Governor. Salmon B. Hebard succeeded Governor Martin in the office. He was a lawyer, the son of Judge William Hebard, and in his later years a man of influence and power in the community and State. Curtis S. Emery, now (1921) of Newport, held the office from 1894 to 1905. Mr. Emery is also a member of the bar, although he has not practiced his profession to any great extent. Prior to his service as clerk he was cashier of the bank at Chelsea and during his residence there was one of its foremost citizens. After leaving Chelsea he was the Collector of the Memphremagog District; he was the first Mayor of the city of Newport. His successor was Hale K. Darling. Mr. Darling is the leader of the Orange county bar, has served his town in the General Assembly, his county in the Senate, has been Lieutenant-Governor, and served again in the Legislature of 1921 as the member from Chelsea.

Among this list of officials, Lyman G. Hinckley appears. He held the office from 1860 to 1887. He was unique, original, kindly, honest, efficient, gentle, attractive and withal the greatest wit in the county or State. He was born at Thetford, Vt., April 13, 1832, and died while on a visit to his brother and sisters in Boston, November 26, 1887. He prepared for college at Thetford Academy in the days when Hiram Orcutt was its principal, and entering Dartmouth College in 1852, graduated in 1856. He paid his own way largely by teaching winters and canvassing for books and papers summers. In the sale of Benton's "Thirty Years' View" he met with great success. After leaving college he taught one or two terms in Chelsea Academy as assistant and at the same time became a law stu-

dent in the office of Burnam Martin. The last year of his study was in the office of Judge William Hebard. He was Deputy Clerk of the County Court from the time he entered Governor Martin's office until 1860. He was admitted to the bar the year he was appointed Clerk, but never practiced law. Shortly after his admission he became the trial justice for Chelsea and for many years tried justice cases with satisfaction to the bar and to the litigants. He was five times elected to the Legislature from Chelsea and once to the Senate from Orange county. The latter election was in 1872 and two years later he became Lieutenant-Governor. From 1856 to 1859 he was Assistant Clerk of the House of Representatives. He discharged his duties with strict fidelity and enjoyed the confidence and love of his acquaintances to an unusual degree. He was distinguished as a wit and his equal in this respect cannot be found among the public men of his time. His stories and bright sayings were strewn all along his life's pathway to the great joy of those who met him from day to day, and on occasions of public gatherings he was quite sure to be the attractive figure and to leave with those who heard him some catchy speech that was never forgotten. He lacked the strength for extended argument in debate, but carried his point by some sally of wit or ridicule that went straight to the mark and won by a shorter process. It was during the session of 1880, when he was the member of the House from Chelsea, that he had one of his first great public triumphs. It came about in connection with an attempt to elect a seventh Judge of the Supreme Court in the joint assembly. There were two candidates for the office, John W. Rowell of Randolph and William H. Walker of Ludlow. Mr. Hinckley favored the former and James L. Martin of Londonderry, the Speaker of the House, favored the latter. The elections in those days were in accordance with a joint resolution, and not as now, provided for by statute. It was apparent to the Rowell men that if the election could be forced at this time the result would favor the Ludlow candidate. It was the purpose of the Rowell supporters to put off the election until a future day. When the matter was under discussion on the floor where a fair majority could have been counted for Judge Walker, had the election taken place then, the Speaker left his place by the side of Lieutenant-Governor Barstow, who was presiding, took the floor and made an impassioned appeal in behalf of immediate action, in order that the Legislature having finished this part of its duties might settle down, perform the rest of the work before it and go home. The speech was too loud and too extravagant for the purpose for which it was intended and Mr. Hinckley was on his feet in an instant and opened his reply with words of praise for the member from Londonderry, but when the usual words of courtesy between disputants had been spoken he said the speech of the

honorable speaker reminded him of two boys who visited a drugstore in Chelsea. One of them invested his only two-cent piece in a glass of pop beer which he promptly swallowed and started out, but as he was going down the steps the druggist called to him: "Don't gullup, Johnnie, for if you do you will lose your two cents." The members saw the application before the story was finished. (There had been too much gas in the last speech.) There was hand-clapping and laughter, the seat covers were slammed and general pandemonium reigned. Mr. Martin sought to stem the tide, but all in vain. He afterwards confessed it was the worst punishment he ever had in a public assembly and he gave Mr. Hinckley the compliment of being the hardest man to meet that he had encountered in debate of this kind. The roll call followed and it was found that there were 112 for deferring action and 95 in opposition, and Mr. Hinckley had carried the day. When the question came up at a later time in the session neither of the aspirants for the seventh judgeship who were presented at this time was found to be the choice of the General Assembly and the election finally fell to Russell S. Taft of Burlington by a *viva voce* vote.

An incident not unlike the above took place in the convention called to nominate State officers in 1886. Mr. Hinckley was a delegate from Chelsea and favored the nomination of Levi K. Fuller of Brattleboro for Lieutenant-Governor. Franklin Fairbanks of St. Johnsbury was his opponent. The name of the latter was presented by Henry C. Bates, an eloquent man whose speech usually carried conviction, but on this occasion he talked too long. There was much to be said in favor of his candidate, for he had given generously to local institutions; he had given the Museum, and contributed to the academy, the church and the cemetery; and he shared in the responsibility of establishing and maintaining the principal industry of his village, the Fairbanks scale works. But it did not occur to the eloquent Mr. Bates that these considerations were local and not State-wide, nor was he impressed as others were, with the narrowness of his appeal when he closed each round of praise with the words "for St. Johnsbury." He was reminded of this a moment afterwards, however, for Mr. Hinckley was on his feet exclaiming: "We have heard what the honorable gentleman has done for St. Johnsbury, but what in h—l has he ever done for Chelsea!" The result was electrical. The convention was in an uproar and in the spell of the merriment which had been created Fuller was nominated.

Mr. Hinckley was the life and soul of everything he undertook. His talents were well illustrated at the legislative reunion in 1885. This was not such a reunion as we are accustomed to hold now, when each session has its gathering at Montpelier, but it was a reunion of all the sessions that had been held. To it had been invited the

officers of the State, local as well as national, and Senator Edmunds was one of the speakers. A good attendance of members and ex-members was there, but there was a lack of interest until Mr. Hinckley appeared and was made the presiding officer. He put his rare talents to play and at once put life and vigor into the meeting, and what at first seemed a dismal failure turned out to be a happy success. His introductions were full of anecdotes which sparkled with wit and humor, and his knowledge of and acquaintance with the leading men of the State enabled him to present them as no one else could and at the close of the reunion it was generally admitted that its success was almost wholly due to Mr. Hinckley.

If "Lyme Hinckley," as he was affectionately called, was too convivial at times—and these times were too often—it is a remarkable tribute to his personality that those who came to see him and had to wait for such time as he was able to attend to their business, were so charmed by his attentions that they did not miss the time so lost. He had the sense stolidly to refuse to do any work when he was not clear headed and so the records of his office and all his business affairs were at all times in perfect order. He enjoyed the respect of the community to a degree that is unusual and his death was lamented with a sorrow that was deep and lasting. He took high ground on public questions and stood for good things in the community. He was kind to the poor, believed in the Christian religion, and died reciting the child's prayer, "Now I lay me down to sleep."

JOSEPH K. DARLING

1833-1910

Joseph K. Darling, of Chelsea, father of Hale K. Darling, was born at Corinth, Vt., March 8, 1833. He had the usual common school education and in 1851 went to California for the purpose of obtaining means with which to acquire a college course. He took up employment with John C. Fremont, for whom he drove ox teams, worked in mines and did other branches of work. He spent about eight years in California and having returned to Vermont in 1861 he served in Company H of the Twelfth Vermont Volunteers for the full period of nine months' enlistment. Until 1871 he was engaged in farming and in mercantile pursuits, and in the latter year entered the office of Governor Farnham at Bradford as a law student. He was admitted to the Orange county bar in June, 1874, and opened an office at East Corinth, where he remained until 1884, when he removed to Chelsea, where he spent the rest of his life. Here he died, October 25, 1910. He was State's Attorney of Orange county from 1882 to 1884; repre-

sented Chelsea in the General Assembly in 1890-1892; and was County Senator in 1894. He was a good lawyer in every department of the practice. He was a safe counsellor to those who called to find out what the law was for their guidance in business transactions; he brought his actions well, whether in the lower or the higher courts, and he tried them faithfully and earnestly and successfully. He was an ideal country lawyer and was of great service to his clients and his community. He was, moreover, a good citizen and his interests were wider than those of most men. He felt a public responsibility that prompted him to be generous to worthy public needs and he set aside religiously one-tenth of his income for charitable purposes and went so far as to keep a strict book account of the amount expended. This did not reach the limit of his gifts of this character. It was said of him by a long-time friend and brother lawyer that "he fought a good fight and kept the faith."

THE PRESENT MEMBERS OF THE ORANGE COUNTY BAR

Lyle R. Beckwith, of Chelsea, was born in Danville, September 11, 1890. He graduated from the Chelsea High School in the class of 1909 and from the Albany Business College in 1910. He studied law in the office of Judge Stanley C. Wilson at Chelsea, was admitted to the bar in 1918 and since that time has practiced at Chelsea.

Nelson L. Boyden, of Randolph Center, was born at Barnard, July 19, 1836. He was educated in the district schools and at Royalton Academy. He studied law with Philander Perrin at Randolph Center and was admitted in 1865, and for fifty years practiced at Randolph Center. He was State's Attorney, 1871-1873; 1875-1877; State Senator, 1882-1884; member of the House, 1888-1890; Town Clerk, 1868-1894; trustee of the State Normal School, 1867-1910.

Hale K. Darling, of Chelsea, was born at Corinth, January 26, 1869. He was educated in the public schools of Vermont and studied law in the Law Department of the University of North Carolina. He was admitted to the bar at Raleigh, N. C., in 1894, and at Montpelier in 1895. He has always practiced at Chelsea, but for several years was engaged in preparing briefs for the late Clarke C. Fitts, doing much of the work in the office of the latter at Brattleboro. He was a member of the House in 1904, 1906 and 1920; County Senator in 1912 by election, and in 1917 by appointment; Lieutenant-Governor in 1915-17; Commissioner to revise statutes, 1905-07, and 1915-18; County Clerk from 1905 to 1921.

Governor Darling is a scholarly lawyer of large experience, especially in the preparation and argument of cases before the Supreme Court. He assisted in the argument of the Clement National Bank case before the United States Supreme Court, sharing with Mr. Fitts the labors and honors of the case. No lawyer in Vermont is as familiar with the statutes as Governor Darling and no one as skilled in their compilation. He works with great rapidity and accuracy, has a vast fund of information and an exceptionally good memory.

Hugh W. Hastings, of Bradford, was born at Waterford, November 8, 1882, and was educated in the common schools, St. Johnsbury Academy and Western Reserve University. He studied law in the offices of May and Hill and of Albro F. Nichols at St. Johnsbury, and was admitted to the bar in 1908. He practiced at Orleans and at North Troy before locating in Bradford. He was Deputy Collector of Customs at North Troy and Deputy County Clerk of Caledonia county. In 1922 he was elected to represent the town of Bradford with practically no opposition.

John C. Sherburne, of Randolph, was born at Pomfret, August 31, 1883, and was educated in the public school of Pomfret, at Woodstock High School, and at the University of Vermont, where he graduated in 1904, and at Oxford University, England, where he studied, 1904-1907. He studied law at Oxford as a "Rhodes Scholar" and in the office of Hunton and Stickney at Bethel, and was admitted to the bar in 1908. He has practiced at Randolph since his admission; was Referee in Bankruptcy, 1908-1916; and State's Attorney, 1917-1921. He was elected to the State Senate in 1920.

William H. Sprague, of Chelsea, was born at Chelsea, January 1, 1867. He was educated in the common schools, at Goddard Seminary, and at Norwich University, from which he graduated in 1891. He studied law in the office of Darling and Darling and in the office of Darling and Wilson at Chelsea, and was admitted in 1908. He has practiced at Chelsea since his admission. He was Postmaster of Brookfield, 1896-1904; Sheriff of Orange county, 1904-1908; Deputy County Clerk, 1908-1920; County Clerk since 1921; School Director, Town Grand Juror, Selectman; member and secretary of the local board of Orange county during the World War.

George L. Stow, of Chelsea, was born in Grafton, Mass., October 10, 1851. He prepared for college at the Burlington High School and graduated at the University of Vermont in the class of 1873. He studied law at Burlington in the office of Wales and Taft and was

WILLIAM A. CROMBIE

Born in New Boston, N. H., April 20, 1844. He was educated in the schools of Pinkerton and Derry, and also at the Nashua High School. At the age of sixteen he entered the freight department of the Boston, Lowell and Nashua Railroad and worked his way up to the position of cashier. After four years of railroad work he removed to Burlington, Vt., and entered the employ of Lawrence Barnes, a prominent lumber dealer. Later this business passed into the hands of the Shepard and Morse Lumber Company. Mr. Crombie became a partner and local manager. He also became interested in the Porter Manufacturing Company, the Burlington Shade Roller Company and the Baldwin Refrigerator Company. In 1892 he formed the Morse and Crombie Lumber Company, with headquarters in New York. Two years later the new firm of William M. Crombie and Company was formed. He was active in the New York Lumber Trade Association and the National Wholesale Lumber Dealers' Association. At the time of his death he had been in the wholesale lumber business longer than any other man in New York. Mr. Crombie was a Republican in politics. He was twice elected Mayor of Burlington, Vt., was appointed a Colonel on the staff of Governor Ormsbee of Vermont, and was the Republican leader of the Nineteenth Assembly District of New York. He was a member of the Union League Club, the Sons of the American Revolution, the Vermont Society of New York and the Lake Champlain Association. Mr. Crombie married Sarah Elizabeth Murray of Nashua, N. H., in 1868. Two sons, William M., and Arthur C., and a daughter, Maude E., were born to them. He died January 3, 1914.

Wm A. Crombie

admitted in 1875. He practiced at Barre from 1875 to 1880, and since 1880 has practiced at Chelsea. He was State's Attorney, 1892-1894, and has been Judge of Probate for the district of Randolph since December 1, 1906.

Millward C. Taft, of Chelsea, was born at Waltham, March 13, 1890. He was educated at the Vergennes High School and at the Ohio Northern University, from which he graduated in 1913. He studied law in the office of Judge Frank L. Fish at Vergennes, in the office of Stickney, Sargent and Skeels at Ludlow, and at the Ohio Northern University College of Law. He was admitted to the bar in Ohio in 1914 and in Vermont in 1915. He practiced at Columbus in 1914; at Bristol, 1915-1917; since 1917 at Chelsea. He was Assistant Secretary of the Senate, 1915-1919; License Commissioner of Orange county; secretary-treasurer and attorney of the Chelsea National Farm Loan Association. He was elected State's Attorney of Orange county in 1920, and Secretary of the Senate at the session of 1921.

Frank S. Williams, of Bradford, was born at North Troy, January 27, 1872. He graduated at Goddard Seminary in 1895 and studied law in the office of Richard A. Hoar at Barre. He was admitted to the bar in 1899, and practiced at Barre, 1899-1905; after that he practiced at Bradford. He was State's Attorney, 1912-1916. Mr. Williams has withdrawn from practice and is engaged in farming at Piermont, N. J.

March M. Wilson, of Randolph, was born at Bethel, the son of James J. Wilson, a leading lawyer, August 29, 1870. He graduated at the Bethel Graded School in 1887 and at the University of Vermont in 1891, studied law in the office of his father at Bethel and was admitted in 1894. Since 1895 he has practiced at Randolph. He was State's Attorney, 1904-1908; chairman of the State Board of Library Commissioners, 1912-1914.

ORLEANS COUNTY

SINCE the year 1800 a County Court has been held in Orleans county. In November, 1792, the Legislature in session at Rutland passed an act dividing the counties of Chittenden and Orange into six separate counties and created as one the county of Orleans. In 1799 the Legislature established courts in Orleans county, but provided that the Supreme Court should not meet in the county until so directed by future legislation, and that the causes proper to be heard by that court should be tried and determined at Danville, in the county of Caledonia. Brownington and Craftsbury were made half shires temporarily, the act providing that no permanent county seat should be established for five years from its passage. The first session of the court was held at Craftsbury, March 24, 1800. The building used for a court house stood on the ground now occupied by the Craftsbury Academy and was known for many years as the "Old Court House." It was built either by the town or by citizens of Craftsbury, and it was used for the purpose of a court house, town house and church. The buttery of Col. Joseph Scott was used as a jail. At Brownington courts were held in a small school house hardly large enough to hold the Judges, jurors and court officers. The building stood on the old road to Derby, about one mile north of the present village of Brownington. Here Judge Strong's cellar served as a jail. In 1812, Irasburg was established by the Legislature as the county seat, providing the inhabitants thereof within four years should build a court house and jail to the satisfaction of the Judges of the Supreme Court. In 1815 a court house and jail were built and accepted and the August term, 1816, was held in the new building. This court house was in use until 1847, when a new one was erected at an expense of four thousand dollars by the town of Irasburg and without expense to the county. This remained in use until the present court house was erected at Newport. Several different buildings were in use as jails up to 1862, when a strong granite building was erected for the purpose at an expense of three thousand dollars. In 1884, after a memorable struggle in the Legislature, an act was passed locating the shire of Orleans county in some town on the Connecticut and Passumpsic River Railroad, the place to be selected by a committee of three to be appointed by the Governor. The committee designated Newport as the best location and here suitable brick court buildings were constructed at an expense of twenty-one thousand dollars. The first session of court at Newport was held in February, 1886, and regular sessions have been held here since. The present terms are held on the second Tuesday of March and September in each year.

WILLIAM BAXTER

1778-1827

One of the early leaders of the Orleans county bar was William Baxter, who was born at Norwich, Vt., August 3, 1778. He was educated at the schools in the vicinity and studied law with Daniel Buck of that town. He was admitted to the bar of Orleans county November 23, 1801, being the second lawyer to be admitted in the county, and commenced the practice of his profession at Brownington, where he resided until his death, October 1, 1827. Although rough in manner, he possessed great shrewdness and talent and rose to the leadership of the bar in northeastern Vermont. Beginning with nothing, he acquired a substantial property and at the time of his death, although residing all his life in a small town, and accumulating for only twenty-five years, he possessed an estate which was appraised at $100,000. Besides being a leading lawyer, Mr. Baxter was also a good farmer and raised excellent crops. He was an active man in all town affairs and was liberal in aiding the benevolent objects of the day. He erected an academy in Brownington at his own expense and gave it to the county for the purpose of a grammar school, with a provision that the second story should be appropriated as a place of public worship until such time as it should be required for the interests of the school. He held every town office in the gift of his townsmen, from the lowest to the highest, and for a series of years held from two to eight offices at the same time. He was State's Attorney for the county of Orleans from 1802 to 1814 and Assistant Judge from 1825 to 1826.

JESSE COOPER

1803-1872

Jesse Cooper was born in Eaton, Province of Quebec, January 1, 1803. His parents removed to Canaan, Vt., when he was a small child and he remained here until he became of age. After attaining his majority he spent several terms at the academy at Guildhall, and having decided to study law he applied and was received into the office of Isaac Fletcher at Lyndon. Here he spent five years, was admitted to the bar and established a reputation for clear judgment and sound reasoning. In 1830 he opened an office at Irasburg, where for thirty years he faithfully pursued the duties of his profession and achieved an enviable reputation, a wide practice and comparative affluence. In the same village at the time lived the other legal lights,

Timothy P. Redfield, afterwards one of the Judges of the Supreme Court, and Stoddard B. Colby, one of the great lawyers of northern Vermont. During these days Mr. Cooper was conspicuous in his practice both in Vermont and New Hampshire, and there was rarely a trial of great importance in the northern part of these States with which he was not connected. After thirty years he was led to seek a new home at Wyandotte, Kan., where he opened an office and practiced successfully until 1870, when he retired. In Kansas he took much interest in church work and benevolent associations, and established in that State a reputation as an upright and able lawyer. He died July 13, 1872.

JOHN H. PRENTISS

1811-1876

John H. Prentiss was born at Montpelier, February 10, 1811. His father was Judge Samuel Prentiss. He attended the public schools and the academy at Montpelier. While quite young he went to Boston and engaged in mercantile pursuits, where he remained for a few years. As this work was not to his liking, his inclination being toward a professional career, he returned to Montpelier, where he entered his father's office as a student, and was admitted to the bar in Washington county in November, 1835, and to the Supreme Court in March, 1838. While in Boston he gave much study to political economy and received a diploma for the best essay on the tariff from the Society for the Diffusion of Useful Knowledge. This was delivered to him by Daniel Webster, the president of the society. Following his admission to the bar he remained in his father's office until about 1839, when he located in Irasburg, where his brother, Charles, was in practice. Here he remained until 1869, when failing health compelled him to retire from the law. In the hope of restoring his health he removed to Minnesota, where he died at Winona, September 28, 1876. He was a good advocate and scholar, very tenacious and persistent. Although well equipped in legal learning he yet surpassed this in his knowledge of the Bible and Shakespeare. He had ready wit and was a rare story teller. One of his stories related to the speech of an old soldier—a Democrat in Arkansas—who had fought under General Jackson. This was made in a convention to alter the Constitution. A part of this speech is as follows: "When I was fighting the battles of my country under the patriot, Jackson, in mud, blood and dirt to the waist, where then was Daniel Webster? Down there in Boston town writing his d—d old Federal dictionary. Now alter the Constitution, will you, d—n you?"

ELBRIDGE G. JOHNSON

1814-

Elbridge G. Johnson, the youngest but one of a family of twelve children, was born at Bath, N. H., December 14, 1814. His father owned a square mile of stony soil in Bath and looked to his family of boys to maintain it. Elbridge took more to books than to the land. While he worked on the farm until fourteen years of age he did this under protest. A Scotch Presbyterian clergyman brought him books and fostered his ambition for learning. His determination to prepare himself for a professional career met with so little encouragement at home that he was compelled to leave without aid or blessing and qualify himself as best he could. He took up his abode with Thomas Goodwillie, a preacher and scholar of the Scotch Presbyterian Covenanters in Caledonia county, who in consideration for his labor on the farm prepared the young man for college. He commenced to teach school at sixteen and returned to the farm to work during his vacations while attending Newbury Seminary, where he was pursuing academic studies. When sent into the field to plough, it is said of him that he was frequently found under a tree absorbing his Latin. Later he located at Derby Line, where he studied law with Judge Timothy P. Redfield, and was admitted to the bar when he was twenty years of age. His early professional life was brilliant and promising. A close and early friendship was formed between him and his fellow student, Luke P. Poland—a friendship which endured as long as Mr. Johnson lived. Among his active personal friends were Senator Samuel S. Phelps, Judge Redfield, Judge Stephen Royce, Portus Baxter and others. Mr. Johnson and Judge Poland agreed that each should be present and hear the other's first argument in court. This compact was carried out. Mr. Johnson was admitted a year later than the Judge, who in speaking of the former's efforts, said: "I thought I made a good speech, but when I came to hear Johnson I concluded my place was on a back seat." Mr. Johnson practiced at Derby Line until 1850, when he removed to Peoria, Ill. In the latter State he held several offices, was State's Attorney, member of the Legislature and Register in Bankruptcy, and gained a foothold in practice among lawyers of exceptional standing and talent. He died before 1886 at Peoria.

STODDARD B. COLBY

1816-1867

Stoddard B. Colby was born in Derby, in January, 1816. He fitted for college in the law office of Judge Isaac F. Redfield, which stood near his father's store at Derby Center. Fresh from his studies

at Dartmouth, Judge Redfield gave him a thorough training in Latin and Greek. He entered Dartmouth College in the fall of 1832 and graduated with high honor in 1836. He studied law in the office of Senator Upham in Montpelier, and was admitted to the bar in Orleans county at the December term, 1838, and commenced practice at Derby, where he remained until 1846, representing the town in the Legislature in 1841. In 1846 he removed to Montpelier and formed a partnership with Lucius B. Peck under the firm name of Peck and Colby, and so continued until 1863, when Mr. Colby was made Register of the Treasury and removed to Washington. This office he held until his death, which occurred at Haverhill, N. H., October 21, 1867. Mr. Colby was a ripe scholar and a ready speaker. His manner was elegant and his language choice and beautiful. He possessed a voice of peculiar compass and melody and he ranked as a brilliant and accomplished advocate. In the latter respect it is said of him at the time he left for Washington that he had no peer among the lawyers of Vermont. His first wife was a sister of the late Senator Redfield Proctor. She lost her life on the ill-fated steamer *Henry Clay,* which was burned on the Hudson on its passage from Albany to New York. The transfer of Mr. Colby to the duties of his office at Washington was never quite congenial to his tastes, but he was thus enabled to become acquainted with the great public men of his time, many of whom took part in the Civil War.

JOHN L. EDWARDS

1819-1895

John L. Edwards was born at Walden, Vt., August 29, 1819. He attended the district schools, fitted for college at Newbury Seminary, and entered the University of Vermont in 1840. After remaining in college for but one year his desire to study law prompted him to enter the office of Stoddard B. Colby of Derby, from which he was admitted to the bar in Orleans county at the June term, 1843. He opened an office at Brownington, where he remained until January, 1844, when he removed to Barton. In 1845 he removed to Derby Center. At the latter place he formed a partnership with William M. Dickerman under the firm name of Edwards and Dickerman, which continued for two years, after which he practiced alone until 1859, when he was associated with Gen. G. W. Slade at St. Johnsbury, doing an extensive business in Orleans, Caledonia and Essex counties. He formed a partnership with Judge E. A. Stewart under the firm name of Edwards and Stewart, which continued at Derby until 1864, when he became associated at the same place with Jerry E. Dickerman

under the firm name of Edwards and Dickerman. In 1881, John Young entered this firm, which became known as Edwards, Dickerman and Young, and did business at Newport until 1886, when Mr. Edwards retired. After this time he practiced alone.

Mr. Edwards was State's Attorney of Orleans county by appointment by the Legislature in 1850. He was a member of the Constitutional Convention in 1850 and 1857, and of the Council of Censors in 1862. He was a candidate for Governor on the Democratic ticket in 1867-68, and for Congress in 1874 and 1876. In these campaigns his local popularity was strikingly manifested.

He was an able lawyer and he stood in the front rank of his profession for many years. He enjoyed the law as a science, was a skilled pleader, and always a devoted student. He had the confidence of clients and of his fellow attorneys to a marked degree and during his long career tried many important causes. He died at Walden, October 19, 1895. At the February term of the Orleans County Court following his decease fitting resolutions were adopted by the bar and eloquent eulogies paid the deceased by leading members of the profession from his own and adjoining counties. They are preserved in Vol. IV, beginning at page 282, of the Proceedings of the Vermont Bar Association and are worthy of perusal.

ISAAC N. CUSHMAN

1821-1881

Isaac N. Cushman, father of the present County Clerk of Orleans county and his predecessor in the same office, was born at Woodstock, March 24, 1821. His father, too, was a lawyer who ranked among the distinguished advocates of the Vermont bar. The family soon after the birth of Isaac moved to Hartford, in Windsor county, where they owned and carried on a farm.

In 1837, Isaac entered the military academy at Norwich, and in 1838 left this institution to enter the United States Military Academy at West Point, where he remained until 1840. Here he met some of the men who afterwards became famous in the Civil War, among them Grant and Sherman, who were cadets at the same time. After teaching for a few years in Vermont he removed to Milwaukee, Wis., where he practiced land surveying. On his father's death in 1843 he returned to Vermont, and in 1845 studied law in the office of Judge Timothy P. Redfield at Irasburg. He was admitted to the bar in January, 1847, and opened an office in Glover. He represented Glover in the Legislature in 1849 and during the session was elected Judge of Probate for the district of Orleans. At the close of the

session he removed to Irasburg, where he resided until his death, September 29, 1881. From 1850 to 1854 he was Judge of Probate, having been elected to the office after the change in the Constitution in 1850, by which the office became elective. This place he relinquished in 1854 to become cashier of the Bank of Orleans, which was situated at Irasburg, a position which he held until his election as County Clerk in 1861. At the same time he was elected County Treasurer and he held both offices until his death.

Irasburg honored Mr. Cushman by an election to the Legislature; he was County Senator and many other positions of honor and trust came to him. He enjoyed the full confidence of the people and everyone was his friend. He was a natural scholar and an extraordinary type of a man. He read with relish the old English classics. He possessed a genial and kindly wit, which was spontaneous and never used to wound. At the session of the court following his decease the bar passed resolutions of sorrow and regret at his loss, and praised his life as it had been exemplified as Clerk of the court and as a man and citizen.

HENDERSON C. WILSON

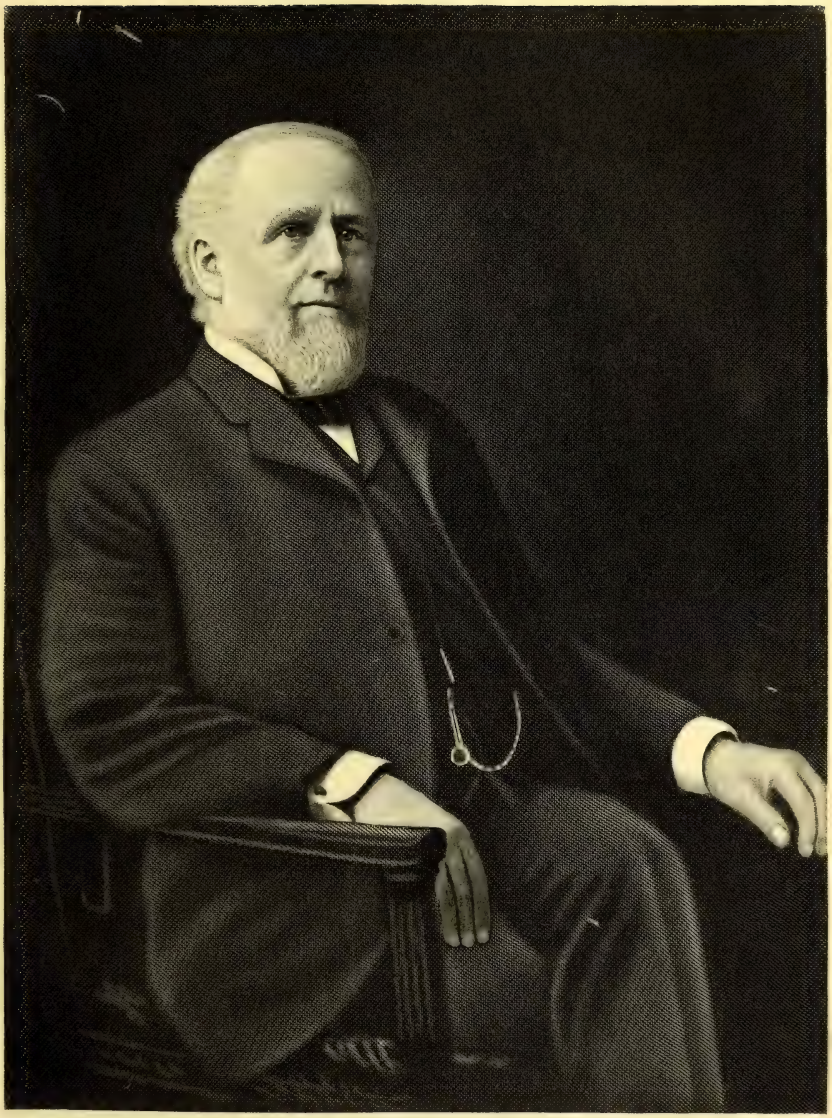
1826-1890

Success in the law attended the efforts of Henderson C. Wilson in his long and useful life at North Troy. He was born in Champlain, N. Y., June 8, 1826, and in early life he went with his father to live in Colchester, Vt. His education was obtained in the common schools and in the academies at Bakersfield and Burlington. Later he taught in Colchester and Fairfield. His legal studies were pursued in the office of his cousin, Judge William C. Wilson, at Bakersfield, and he was admitted to practice at the September term of the Franklin County Court, 1847. He located at North Troy, where he resided thereafter. His death occurred at North Troy, August 13, 1890. From early days, although North Troy was a small place at the time, business came to Mr. Wilson and he was actively engaged in his profession from that time forward. Although no sign ever hung from his office, he had a goodly number of clients and cases, and never failed in having his share of practice in County Court, or in being ready for trial when his cases were reached. He was almost invariably engaged in the important cases coming from his section of the county, and these were carefully prepared and well tried.

His earnings were largely invested in real estate and he trafficked not a little in personal property as well. He acted as agent for others in real estate transactions, particularly for George Atkinson of Lon-

EDWARD W. BAILEY

Born in Elmore, Vt., August 31, 1843, being a son of George W. and Rebecca (Warren) Bailey, both of whom were native Vermonters, and the youngest of a family of ten children. His parents moved to Montpelier when he was ten years old and he received his education in the public schools there. He was actively interested with his father in the management of the home farm until he was twenty-six years of age, when he entered the grocery and milling business in Montpelier. In 1879 he went to Chicago and entered the firm of Bailey, Bullock and Company, in the grain and commission business. Later he bought out Mr. Bullock's interest and continued under the firm name of E. W. Bailey and Company. He also continued the grain business in Montpelier. Mr. Bailey was involved in the widespread financial panic of 1893, but he later settled every financial obligation with accrued interest. His firm was regarded as one of the foremost grain and commission houses in Chicago. In 1869 Mr. Bailey married Mary Jane Carter of Montpelier. They had two children, George C. and Mary B., now Mrs. Fred Meyer of Evanston, Ill. Mrs. Bailey died in 1908. He afterwards married Cora M. Haseltine of Chicago. Mr. Bailey died January 2, 1920.



E. W. Bailey

don, England, who owned large tracts of land in Orleans county. He took a large interest in public improvements in his town and county. He was one of the promoters of the South-Eastern Railway, and was actively engaged in the construction of the Missisquoi and Clyde River Railroad and for many years one of its directors. From 1855 to 1860 he was State's Attorney of Orleans county. In 1863 and 1864 he represented his town in the Legislature, and in 1872 and 1874 was County Senator. In the Senate he was chairman of the Judiciary Committee. All these public trusts were performed with ability and fidelity.

WALTER D. CRANE

1827-1898

Walter D. Crane was born at Bridport, Addison county, September 14, 1827. His father was a sturdy farmer of that town, who reared a family of twelve children, eleven boys and one girl. Of these, Walter was the third; his early life was spent on the farm. He attended the local common schools and later, largely through his own efforts, completed his education at the Bakersfield Academy. He was twenty-three years of age when he had finished at the academy and for this reason did not seek a collegiate course. He first turned his attention to the mercantile calling and in 1851 located at East Franklin, where he also served as Postmaster. After a few years, this calling not being congenial, he entered the office of Jasper Rand of Berkshire as a law student, and was admitted to the bar at the September term of the Franklin County Court in 1859. The same year he removed to North Troy, where he held the office of Deputy Collector of the port. In 1861 he was made assistant assessor of the internal revenue and continued to hold both offices until May, 1864, when he removed to Newport, then the little village of "Lake Bridge," associating himself with Lewis H. Bisbee under the firm name of Crane and Bisbee, and devoting himself exclusively to the practice of the law. After a successful practice of three years the firm was dissolved on account of the appointment of Mr. Bisbee as Deputy Collector of the port of Newport. He continued business for himself until 1878, when he became associated with Frank E. Alfred under the firm name of Crane and Alfred. This firm enjoyed a large and valuable clientage until its dissolution by the death of Mr. Crane in 1898.

In 1867 and 1868, Mr. Crane represented Newport in the Legislature. He was appointed State's Attorney to succeed Mr. Bisbee, who resigned the office to become Deputy Collector in 1867, and was

elected to the same office in 1872 and 1874. In 1882 he was elected Senator from Orleans county. From 1867 for many years he served as United States Commissioner for Vermont.

Mr. Crane was a dangerous antagonist in the trial of a case. His special strength lay in his ability as an examiner of witnesses and in argument. He was not as strong on the law of his case as in these respects. He did not enjoy the drudgery of preparation, but a doubtful case was often made to appear a good one by his ingenious argument, and jurors were frequently captured by the power of his sarcasm. He was popular among his fellow lawyers and exceptionally kind to the younger members of the profession.

JERRY E. DICKERMAN

1830-1906

Jerry E. Dickerman was born at St. Johnsbury, January 15, 1830. He was educated in the common schools and in the academies at Newbury, St. Johnsbury and Derby. In 1851 he commenced the study of the law with his brother, William M. Dickerman, at Coventry. Later he entered the office of Henry F. Prentiss at Derby Line as a student, where he applied himself with great tenacity of purpose to his studies. His admission to the bar occurred June 25, 1852. For two years he practiced at South Troy and from there removed to West Charleston, where his ability and skill were soon recognized and where he acquired a good practice. Besides being a painstaking and careful lawyer and a good advocate he came to be regarded justly as an exceptional accountant and was enabled to straighten out many complicated situations in figures. In 1858 and 1859 he performed the duties of State's Attorney for his county and in 1859 and 1860 represented his town in the Legislature. His skill as an accountant equipped him admirably for the office of Bank Commissioner, which he held in 1862, 1863 and 1864. In 1869 and 1870 he was Senator from Orleans county and became one of the leaders in the Senate. From 1872 to 1886 he was Deputy Collector of Customs at Newport, conducting the business with strict integrity and with the best business methods.

Mr. Dickerman removed to Derby Line in 1864 and formed a partnership with John L. Edwards at that place, which continued until 1881, when John Young entered the firm, and the partnership became known as Edwards, Dickerman and Young. The following year the firm moved to Newport, where they carried on a large and lucrative practice. This continued until 1886, when Mr. Dickerman became associated with Mr. Young in the firm of Dickerman and

Young at Newport, and Mr. Edwards retired from the business. The new firm continued until 1895. Mr. Dickerman died at Newport, February 2, 1906.

WILLIAM W. GROUT

1836-1902

William W. Grout was born at Compton, Province of Quebec, May 24, 1836. He came of an old and distinguished family. Theophilus, his grandfather, came to Vermont in 1792, settling in Kirby, where Josiah, his father, was born and spent most of his life. William W. was the second in a family of ten children. He acquired a common school and academic education, and choosing the law he graduated in 1857 from the Poughkeepsie, N. Y., Law School. After graduation he entered the law office of Thomas Bartlett of Lyndon, where he continued his studies until December, 1857, when he was admitted to the bar in Caledonia county. The following year he located at Barton, where his good common sense, unfaltering courage and indomitable perseverance early gave him a good standing in his profession. In 1862 he declined a nomination as State's Attorney, and recruiting a company in Barton, was elected its Captain. He later became Lieutenant-Colonel of the Fifteenth Vermont Regiment. The regiment was immediately sent to Virginia and did much picket and other duty, but did not take part in any battle. He was mustered out of service in August, 1863, and returned home to practice law. The following fall the Legislature created a State militia and he was chosen Brigadier-General. During the same year he was elected State's Attorney, a position he held for two years. In 1868 and for three successive terms he represented Barton in the Legislature. He was a delegate to the National Convention which first nominated General Grant for the presidency. In 1874 he was again sent to the Legislature, and in 1876 to the State Senate, where he was made president *pro tem* of that body. In 1880 he was elected to the Forty-seventh Congress. He was again elected in 1884, and at each election thereafter until 1900, when he became a candidate for the United States Senate. Senator Morrill having died, Chief Judge Jonathan Ross of St. Johnsbury was appointed by Gov. E. C. Smith to fill the vacancy until the Legislature could elect. Judge Ross served with great credit to himself and honor to Vermont. When the election occurred in the Legislature of 1900, Judge Ross, Charles A. Prouty, Ex-Gov. William P. Dillingham and General Grout were candidates for the vacant office and the choice fell to Governor Dillingham. After this contest General Grout retired from public life.

During much of the time that General Grout was holding public office he was engaged in his law practice, and he was connected with many important civil and criminal suits. In the trial of these cases he was singularly successful. He managed them with skill and wisdom; his arguments were plain and vigorous, and he sought to obtain what was right regardless of technicalities. Had he devoted all his energies to the law, few would have surpassed him. He was much interested in agriculture; he purchased the old home at Kirby, where he made great improvements and demonstrated for a time the fact that intelligent farming can be made successful in Vermont.

In his public career General Grout kept constantly in mind the good of Vermont and his efforts in the House of Representatives for all measures working to the betterment of his people were untiring. He was loyal to his friends and true to his work. He enjoyed in a remarkable degree the confidence of his constituents, as his eighteen years of tenure of office would indicate. It was at last his misfortune not alone to lose the goal of his ambition, the senatorship, but to have his large fortune entirely swept away. He did not long survive the latter calamity. He died October 7, 1902.

LEWIS H. BISBEE

1839-1898

Lewis H. Bisbee, the son of a farmer, was born at Derby, Vt., March 28, 1839. His was the common experience of the ambitious country youth who found himself without means to acquire an education. He worked on a farm summers and taught school winters. He prepared for college at the academies at Glover, Derby, Morrisville and in Northfield. At nineteen he entered St. Hyacinthe College near Montreal, where he graduated two years later. Here he became a proficient French scholar. This accomplishment enabled him to pay his way by teaching French while a student in the office of John L. Edwards at Derby. In June, 1862, he was admitted to the bar. The same month he enlisted as a private in the army and later became Captain. He served with credit through many hardships. He was captured and released on parole, rejoining his regiment in 1864, when he resigned on account of sickness and returned to Newport, where he opened an office and acquired an extensive and lucrative practice.

In 1865 he was elected State's Attorney of Orleans county, and was re-elected in 1867, resigning shortly afterwards to become Deputy Collector of Customs, which place he held for two years, when he was elected to the Legislature. He was re-elected in 1870. Here he became the leader of his party and was acknowledged to be the most

vigorous and effective speaker on the floor in *extempore* debates. From 1865 to 1870 he was United States Commissioner from Newport under the extradition treaty. In 1871 he moved to Chicago, where he became a successful jury and chancery lawyer in the northwest and enjoyed a large and lucrative practice. In 1878 his district honored him by an election to the Legislature, where he took rank as a ready and able debater and an influential and judicious legislator. Here he nominated John A. Logan for the United States Senate in a speech, the eloquence and force of which did much to secure the election. He was a natural orator, a logical thinker, a man of fine figure and commanding presence. He was an affable, genial and generous gentleman under all circumstances. He died in 1898.

JOSIAH GROUT

1841-

Josiah Grout was born at Compton, Canada, May 28, 1841, and was reared on the family homestead at Kirby. His education was limited to the common school, with a partial academic course at the Glover and St. Johnsbury Academies. From the latter institution in October, 1861, he enlisted in Co. I, First Regiment, Vermont Cavalry. In this company he rose from the rank of Second Lieutenant to that of Captain. He was severely wounded in a cavalry fight with Mosby at Broad Run, Virginia, on account of which and his impaired health he was honorably discharged in October, 1863. At the time of the St. Albans Raid he raised a company, was made its Captain and on the organization of the frontier regiment of cavalry he was appointed one of its Majors. With this rank he was in command of the post at St. Albans until the close of the war in June, 1865.

Upon retiring from the army he resumed the study of law in the office of his brother at Barton and was admitted at the December term, 1865, of the Orleans County Court. For about one year after admission he was in partnership with his brother, practicing law and publishing the *Orleans Independent Standard*. In December, 1866, he was appointed Deputy Collector of Customs, in charge at Island Pond. This office he continued to hold at Island Pond, St. Albans, and Newport until the spring of 1872. In 1869 he was in partnership with Lewis H. Bisbee in practice at Newport. This arrangement continued until Mr. Bisbee removed to Chicago in 1871. His brother, Theophilus, then became his partner and continued as such until 1875, when Major Grout removed to Chicago, where he practiced successfully for three years. He then removed to Moline, Ill., where he engaged in business. In 1881 he returned to Vermont and purchased

the Hinman homestead at Derby Center. In 1872 and 1874 he represented Newport in the Legislature. In the latter year, H. Henry Powers, who was Speaker, having been elected a Judge of the Supreme Court, Major Grout was chosen to fill the vacancy. In 1884 he was again elected Representative from Derby, and again in 1886, 1888 and 1904. He again filled the Speaker's chair in 1886 and 1888. In 1892 he was elected Senator from Orleans county, and from 1896 to 1898 was Governor of Vermont. In 1905 he resumed the practice of the law at Newport and continued therein until 1912, when he returned to the management of his farm at Derby. He is now retired and is living at Newport.

As a lawyer, Major Grout was popular with his fellow attorneys and successful. He prepared his cases well and tried them with skill. His son, Aaron Hinman Grout, is an attorney in practice at Newport.

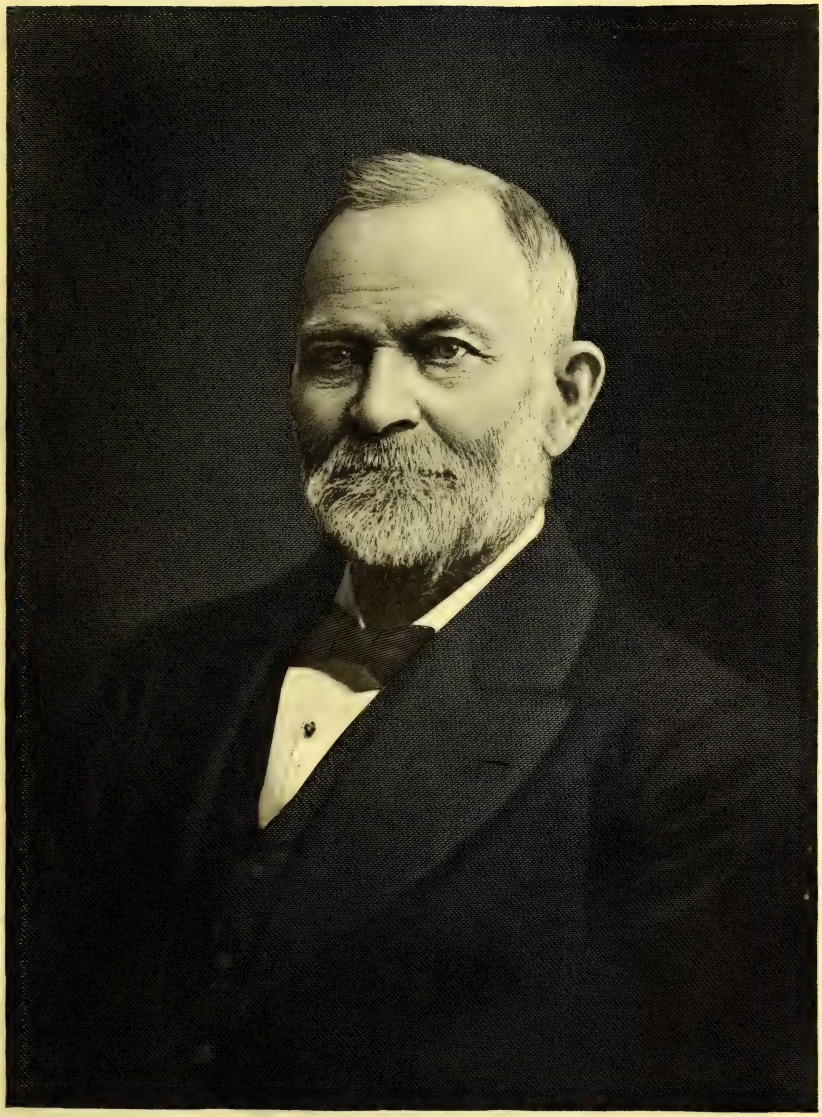
JOHN YOUNG

1839-1915

One of the leaders of the bar of Vermont was John Young of Newport. He was born in Stanstead, in the Province of Quebec, March 31, 1839. He was educated in the district school, Stanstead Academy and Wesleyan University. He graduated from the latter institution with high honors in 1860. Having shaped his preparatory course for the law, he proposed at once to fit himself for his chosen profession. The state of his finances, however, did not permit him to devote all his time to study; consequently, he engaged as principal of the Derby Academy in the summer of 1860 and continued as such in that institution to the close of the fall. He commenced the study of the law in the office of John L. Edwards in Derby, where he spent such time as was not needed in connection with his duties as principal of Derby Academy. His work here was attended with marked success, as was his preparation for the law, and he was admirably fitted for his life work at the time of his admission, at the June term of the Orleans County Court, 1862. The same year he took up his residence in South Troy, where he commenced practice. Clients were not numerous nor was his income large, but he found profit in the study of the few law books in his library and kept his eyes steadily fixed upon his chosen profession. He became familiar with the leading cases and the great principles of the common law and equipped himself for the large life that was before him. Being of foreign birth, in 1866 he was naturalized. In 1867 he removed to Derby Line, where he continued the successful practice of his profession until 1881, when he removed to Newport, where he became a member of the firm, Ed-

SYLVESTER CUSHMAN

Born in Wilmington, Vt., April 14, 1824. He engaged in farming at Wilmington and in 1864 removed to Jamaica, Vt., where he engaged in the tanning business. He removed to Geneseo, Ill., in 1865, where he was engaged in farming until 1887, when he went to New York City, where, with his sons, he established the system of bakeries operated by Cushman and Sons. He was a member of Calvary Baptist Church in New York City, under the pastorate of Rev. Dr. R. S. MacArthur. He married Emily Scott of Wilmington, Vt., in 1847. She died in 1854. Later he married Clarina A. Bills of Jamaica, Vt., who died in 1906. Mr. Cushman died March 20, 1902, being survived by seven sons and four daughters.



Sylvester Eastman

wards, Dickerman and Young. That firm having dissolved in 1886, Mr. Young entered into a co-partnership with Jerry E. Dickerman under the firm name of Dickerman and Young, which continued until 1895. From then until 1899 Mr. Young was in practice alone at Newport. At this time he formed a partnership with his son, George B. Young, which continued until 1895. From 1895 until 1899, Mr. Young was in practice alone at Newport. At this time he again formed a partnership with his son, which continued until the death of the senior partner. Mr. Young was a member of the Vermont House of Representatives from Newport, 1894-1896, and of the Vermont Senate, 1898-1900; was associate editor of the Vermont statutes of 1894, and president of the Vermont Bar Association, 1901-1902. He devoted himself with great energy and application to the practice of the law. His clientage was large and profitable and he had to do with the prosecution or defence of most of the important cases that were tried in northeastern Vermont during his years of practice. His knowledge of the law was broad and technical, his power of analysis great, his memory of cases and capacity for labor remarkable. The most painstaking care was bestowed on the preparation as well as the trial of his cases.

He was married to Augusta A. Young, June 3, 1866, by which union there was born one son, George B. Young, an accomplished lawyer and the general counsel of the National Life Insurance Company of Montpelier.

Some extracts from a tribute by John L. Edwards, his one-time partner, paid to Mr. Young a long time before his death, are interesting both as giving a picture of Mr. Young and as furnishing a specimen of Mr. Edwards' writing:

"Mr. Young had contemplated the legal profession as the great work of his life and so tenacious was he of this that he had no sooner graduated than he began to cast about to see how he could accomplish his great purpose. To him it was everything. His limited means had already been exhausted in his college course, but he was in nowise disheartened, his eye was fixed upon the goal and every obstacle was brushed away as though it were but a feather in a giant's hand. His great powers of endurance and ripe scholarship**enabled him to make rapid progress in preparation for the profession he had chosen. In a few months he had accomplished what is usually acquired by the law student in a much longer time. During all this time he had no side issues to distract his attention from the leading idea of his life and came to the bar admirably fitted for the discharge of its arduous duties.***Here a new era in life dawned on him which required all his energy. He had reached the crisis where more than half who set out in the great work fall behind, languish and

perish, and the merciless waves of oblivion sweep them from their comrades, while the rest remain with firm grasp but with varied success, struggling for the prize that is before them.***His scanty means supplied only a small but choice library. His library, however, had one advantage over the libraries of beginners generally; it was well read, and it soon became a formidable weapon in his hands.***Though life with him could hardly supply his daily wants, here, with a small beginning, was laid the foundation of his future success. Whether business came or not it was all the same, his work went manfully on, and he became familiar with the leading cases and great principles of the common law, which in after years he turned to the very best account, enabling him to do double the business of the ordinary lawyer in the same time.***His vigilant foresight and careful preparation of his case, both as regards the facts and the law, renders him a formidable competitor, but better far than this, it enables him to see that his client has the full benefit of all his legal rights. His cases are well in hand, and the emergencies are very few that have not been carefully considered in their preparation."

CHARLES A. PROUTY

1853-1921

If the lawyers of Vermont of a generation ago had been asked to name the leader of the bar the choice would have fallen to Charles A. Prouty of Newport. He was the most brilliant man to come to the bar of Vermont in the last fifty years. He was born at Newport, October 9, 1853. His father, John A. Prouty, was one of the prominent business men of Newport, being extensively engaged in farming and manufacturing lumber. The boyhood of Charles A. Prouty was spent on the farm of his father and at fourteen he had made such progress in the district school that he was sent to the high school at Upton, Mass. There and at Derby and St. Johnsbury Academies he fitted for college. In 1871 he entered Dartmouth College and graduated in 1875 at the head of his class. Mathematics and astronomy were his favorite studies. Astronomy he decided to make his life work, and after college entered the astronomical observatory at Allegheny City, Pa. Here his health failed and he returned to Vermont at the end of one year. On the advice of his father he began the study of law, entering the office of Theophilus Grout at Newport, and was admitted to the bar at the February term of that county in 1877. A partnership with his tutor followed for a year. He did not find the small business which usually comes to the beginner congenial, and being offered the position of principal of the Newport

Academy and graded school he accepted it. This work he followed for two years with delight to himself and to the satisfaction of all. Ill health again compelled him to make a change. This time he took a trip through the West. In July, 1882, he opened an office in Newport and began practice again. In the fall of this year he was elected State's Attorney, an office to which he was re-elected in 1884. Civil business also came to him and he soon had an extensive practice which extended all over the State and brought him a good income. He was employed in important litigation, particularly in defence of suits against the Central Vermont Railway Company and the Rutland Railroad. He argued several cases before the United States Supreme Court at Washington. From 1888 to 1896 he reported the decisions of our Supreme Court. In December of the latter year he was appointed by President McKinley a member of the Interstate Commerce Commission, which he held until February 3, 1913, when he was appointed Director of Valuation in the Interstate Commerce Commission. In this position it was his duty to secure data regarding the valuation of the railroads of the United States. He was engaged in this work at the time of his death, which occurred at Newport, July 8, 1921. Federal regulation of the railroads had not progressed very far when Mr. Prouty began his career on the Interstate Commerce Commission. It was largely through his influence by speeches, newspaper articles and otherwise that the powers of the commission were extended to their present force. During the latter part of his service he was president of the commission.

In 1914 his friends urged him to become a candidate for the United States Senate, and after considerable reluctance he entered the canvass as the candidate of the Progressive, Democratic and Prohibition parties. In doing this he opposed Senator William P. Dillingham, who was elected after one of the most exciting campaigns ever known in Vermont. After the re-election of Senator Dillingham, Mr. Prouty returned to his task of appraising the railroads. He had many flattering offers to leave Vermont, but clung to his native State with the affection of one born among the hills, and looked upon his beautiful home overlooking Lake Memphremagog as the place where he desired to spend the last years of his life.

Intellectually, Charles A. Prouty was always a leader. It was found in college that if he was going to compete for a prize in scholarship it was useless for others to oppose him. In the law he saw a point quicker than others and stated a proposition with greater power and sharpness. Governor Grout called him to my assistance in the case of Hodgson, plaintiff in error v. Vermont, 168 U. S. 262. I had spent a long time in examining authorities and had taken notes that covered many pages in a note book. For more than an hour I read these notes to Mr. Prouty. Immediately when I had finished he said:

"There are four points in this case," and at once stated them to me as the captions for the brief which I was to make. These points were not changed by as much as the addition or elimination of a word in the long brief from which we argued the case against Mr. Phelps at Washington. Mr. Prouty easily excelled in all departments of the law. He could run down the authorities more rapidly than others and discuss them with more readiness and interest. In the court room he was sure to receive first attention. In his conduct toward witnesses, his statements to the court and his arguments to the jury he was direct, unique, effective. His cross-examinations were not long, but if a witness escaped without a feeling that he wished he had not stated something in his direct that he did state or as he stated it he was the exception and not the rule. He had rare gifts as a public speaker; his diction was scholarly and his manner impressive, if not eloquent. In some poses which I used to observe in his days at the bar I was reminded of the pictures of Henry Clay. One of his best early efforts was his tribute to John L. Edwards, to which reference has been made. I heard him last at the American Bar Meeting in Boston in 1919. By this time he had developed a drawl in his speaking which detracted from the delight of listening to him, but his speech was one of the best that was heard on this memorable occasion.

He took great delight in business and spent much time in installing and managing electric plants at Newport and Bradford. He was a remarkable man and his life was crowned with notable success, but there will be those who will feel that his talents were essentially forensic and that these should have been employed in a forum where he could have become a disputant either over questions of law or of politics.

JOHN W. REDMOND

1861-

John W. Redmond, the present leader at the Orleans county bar, was born at Charlotte, Vt., January 24, 1861, son of James and Margaret (Keating) Redmond. He was educated at St. Johnsbury Academy, where he graduated in 1882, and at the University of Vermont, graduating there in 1886 with the degree of A. B. He studied law in the office of Brigham and McFarland at Hyde Park and was principal of the academy at that place during the three years he was preparing for admission to the bar, which occurred in October, 1889. At first he opened an office at North Troy, where he practiced for two years, and then removed to Newport, where he has been in prac-

tice to the present time. This he has conducted without a partner except during 1896 and 1897, when he was associated with Edwin A. Cook, now of Orleans. He was Reporter of the Supreme Court decisions from July 15, 1904, until December 1, 1916, and chairman of the Public Service Commission from December, 1907, to March, 1914. Mr. Redmond is one of the leaders of the Vermont bar. He is thoroughly versed in the law, which he has studied devotedly since he came to the bar. His work as Reporter during twelve years made him familiar with the decisions of the Supreme Court, and his retentive memory enables him to recall the principal points that have been decided. He is, likewise, well versed in literature, history and geography. His practice is extensive and lucrative and has grown during the past few years. He is ready and resourceful in jury trials, but is even stronger before the Supreme Court, where his analytical mind best comes in play in dissecting and elucidating obscure questions of law. He counts among his clients several large corporations, one of which is the Central Vermont Railway Company, and another the Grand Trunk Railway. He spends much of his time in doing the legal business of these roads and is the general counsel of the former. If there are any men in Vermont who are better equipped for the practice of the law than Mr. Redmond, they can be counted on less than half the fingers of one hand. In the rapid fire and cross fire, the hasty giving and taking that come in the court room, and in vehement, passionate, dramatic appeals to jurors, he stands alone.

THE PRESENT MEMBERS OF THE ORLEANS COUNTY BAR

Orien S. Annis, of North Troy, was born near the village of North Troy, November 15, 1866. He was educated at Westfield Academy, Johnson Normal School and by a private tutor. He studied law in the office of Henderson C. Wilson at North Troy, was admitted to the bar in 1890 and has since practiced at North Troy. He was Postmaster and Superintendent of Schools in Westfield before his admission; State's Attorney, 1894-1898; chairman of the county Republican committee six years; County Senator, 1902-1904; and member of the county legal advisory board.

Frederick W. Baldwin, of Barton, was born in Lowell, September 29, 1848. He was educated in the common schools, at Johnson Academy and at the Vermont Conference Seminary at Montpelier. He studied law in the office of Powers and Gleed at Morrisville and was admitted to the bar in 1872. He has always practiced at Barton and has held the following offices: Assistant Secretary Vermont Senate,

1872; Secretary Vermont Senate, 1874-1878; State's Attorney, 1880-1881; trustee Barton village twenty years; member Republican State Committee, 1884-1892 and chairman, 1888-1890; chairman Presidential Electors in 1892 and messenger to carry the vote to Washington; member of the House in 1896; Senator and President *pro tempore* in 1900.

Mr. Baldwin has given many addresses on historical subjects relating to Vermont and is the author of several historical pamphlets. In 1887 he published a history of the bar of Orleans county. This contains a sketch of every person who ever practiced or was admitted to practice in the county. In all, one hundred and seventy-five persons are included and there are steel engravings of twenty-two of these. The book contains three hundred and three pages and is the only publication in Vermont that is devoted exclusively to the bench and bar of the State. Mr. Baldwin has one of the largest and best collections of books that were written and printed in Vermont, with printed catalogue of their titles and authors. In the latter regard he is unique in Vermont. Very few private persons have assembled so many Vermont books and fewer, if any, have caused them to be catalogued in printed form.

Harry A. Black, of Newport, was born at Coventry, November 22, 1879. He was educated in the common schools and at Derby Academy, where he graduated in 1899. He studied law at Newport in the office of John W. Redmond and was admitted to the bar in 1903. He practiced at Newport from his admission until 1919, when he assumed the duties of Secretary of State. He was Second Assistant Clerk of the House, 1906-1908; First Assistant, 1908-1912; Clerk, 1912-1919; Secretary of State since 1919.

Walter H. Cleary, of Newport, was born at Lyndonville, November 17, 1887. He graduated at Lyndon Institute in 1906, at Middlebury College in 1911, and at Boston University Law School in 1915. He studied law in the office of Judge Harland B. Howe at St. Johnsbury and in the office of Young and Young at Newport, and was admitted to the bar in 1916. He has practiced at Newport since his admission and he holds the office of United States Commissioner for Vermont.

Edwin A. Cook, of Orleans, was born at Glover, November 19, 1856. He was educated at the Orleans Liberal Institute, Johnson Normal School, and St. Johnsbury Academy. He studied law in the office of Fred W. Baldwin at Barton and in the office of Judge Laforrest H. Thompson at Irasburgh, and was admitted to the bar in 1884.

WILLIAM R. WARNER

Born in Bridport, Vt., July 7, 1871. He was educated in the Crown Point, N. Y., High School and the National Institute of Pharmacy at Chicago. He is a pharmacist and located in Vergennes in 1894. From 1905 to 1910 he was a member of the State Board of Pharmacy, being chairman of the board during his last year of service. He was appointed a member of the Public Service Commission in 1910 and has served in that capacity since that time. He was a delegate to the Republican National Convention of 1912.

Wm R Warner

Wm. R. Warner.

He practiced at Glover, 1884-1891; at Newport, 1892-1909; at Lyndonville, 1909-1919; and at Orleans since 1919. He was Superintendent of Schools in Glover; State's Attorney of Orleans county, 1904-1908; member of the House from Lyndon in 1912; and Referee in Bankruptcy, 1915.

Henry B. Cushman, of Newport, was born at Irasburg, December 29, 1855. He was educated in the common schools and at Derby Academy. He studied law at Newport in the office of John W. Redmond and was admitted to the bar in 1906. He has never been in active practice. He has been County Clerk since 1881; County Treasurer since 1898; Municipal Judge from 1906 to 1910, and from May, 1915, to August, 1917, when he resigned to serve on the United States draft board. He ceased this work March 31, 1919.

Curtis S. Emery, of Newport, was born in Brookfield, November 6, 1861. He was educated in the common schools and at Chelsea Academy, and studied law at Chelsea with C. W. Clarke and A. S. Austin. He was admitted in 1883 and practiced at Chelsea until January 1, 1906, and has practiced at Newport since. He was a member of the House from Chelsea in 1888, 1898 and 1900; Senator from Orange county, 1902; County Clerk of Orange county, 1892-1905; Collector of Customs, district of Memphremagog, 1906-1914; trustee of the village of Newport, 1916-1917; first Mayor of Newport, March, 1918, to March, 1919.

Albert W. Farman, of Newport, was born at Troy, Vt., June 21, 1875. He was educated in the common schools and at Lyndon Institute. He studied law in the office of Orien S. Annis at North Troy, and in the office of Cook and Redmond at Newport, and was admitted in 1897. He began practice in Newport in the fall of 1897, but closed his office and joined the Vermont Regiment the following spring to take part in the war with Spain. He resumed practice in 1899 and continued until 1905, when he entered the lumber business in which he was engaged until 1918, when he again opened a law office in Newport. He was State's Attorney, 1902-1904, and was again elected in 1920.

John G. Foster, of Derby Line, was born at this place March 9, 1859. He was educated at Goddard Seminary and studied law in the office of Edwards, Dickerman and Young at Newport, and was admitted to the bar in 1881. He was never in active practice. He represented Derby in the House in 1892-1894; was United States Consul General at Halifax, 1897-1903, and has been Consul General at Ottawa since 1903.

Horace F. Graham, of Craftsbury, was born in Brooklyn, N. Y., February 7, 1862. He was educated in the district schools of Craftsbury, Craftsbury Academy, Grammar School No. 35, New York City, College of the City of New York, Columbia College, Schools of Political Science and Law, from which he graduated *cum laude* in 1888. He was admitted to the bar in 1888 and has since practiced at Craftsbury. He was a member of the House in 1892 and in 1900; State's Attorney, 1898-1902; Presidential Elector, 1900; Auditor of Accounts from 1902 to 1917; Educational Commission, 1912; Governor, 1917-1919.

Aaron H. Grout, of Newport, was born at Rock Island, Ill., January 18, 1879. He graduated from Derby Academy in 1896 and from the University of Vermont in 1901. He studied law in the office of J. W. Erwin at Derby and with John W. Redmond at Newport, and was admitted in 1904. He has practiced at Newport since his admission. He was Executive Clerk, 1906-1908; Secretary Civil and Military Affairs, 1908, 1910; Judge Advocate, National Guard, 1910-1915; State's Attorney, 1912-1916; Major promoted to Lieutenant-Colonel, Volunteer Militia, 1917-1919.

William C. Lindsay, of Newport, was born in New York City, September 21, 1867, and was educated in the common schools and in the New York City grammar schools. He studied law in the office of John W. Redmond at Newport and was admitted to the bar in 1901. He has been Constable and Trustee of the village.

Frank E. Miles, of Newport, was born at Albany, May 16, 1874. He was educated at Newport Academy and under a private tutor, studied law with Justice Willard W. Miles at Barton, with John Young and with John W. Redmond at Newport. He was admitted to the bar in 1897 and has since practiced at Newport.

Hubert S. Pierce, of Newport, was born at Fairlee, December 19, 1887. He graduated at Union Academy in 1906 and at Dartmouth College in 1911. He studied law by correspondence while teaching school and in the office of Francis Brady in Boston. He was admitted to practice in Massachusetts in September, 1919, and in Vermont in October, 1920. After his graduation from college he taught in West Virginia, Massachusetts and in Vermont; the last year and a half of his teaching he was principal of the high school at Newport. He has located at Newport in practice.

Ward Prouty, of Newport, was born at Newport, June 15, 1884, and was educated in the public schools of Newport and at the George

Washington University, Washington, D. C. He graduated from the National Law School in the same city and for several years acted as attorney and examiner for the Interstate Commerce Commission, of which his father, Charles A. Prouty, was a member. He began working for the commission when he was sixteen years of age and continued in the employ until 1916, when he removed to Newport, where he has since practiced.

William W. Reirden, of Barton, was born in Troy, August 31, 1876. He was educated in the public schools and at North Troy Academy, and studied law in the office of Orien S. Annis and in the office of Frank S. Rogers at North Troy, and was admitted in 1898. He practiced at Orleans, 1899-1901, at North Troy in 1901, and since 1901 has practiced at Barton. He has been chairman of the Orleans County Republican Committee since 1914, and was member of the House in 1917.

Frank S. Rogers, of North Troy, was born at Troy, December 3, 1854. He was educated at St. Johnsbury Academy and at Dartmouth College, where he graduated in 1878. He studied law with Homer E. Powell at Troy and with Philip K. Gleed at Morrisville, and was admitted in 1880. After admission he practiced at Troy until 1894, when he removed to North Troy, where he has since practiced. He has held the office of Register of Probate in Orleans county and of Town Clerk of Troy.

James G. Simpson, of Greensboro, was born at Craftsbury, October 11, 1857, and was educated at Craftsbury, Williston and St. Johnsbury. He studied law at Columbia College and with Judge Laforrest H. Thompson at Irasburg, and was admitted to the bar in 1878. He has practiced at Irasburg and at Minneapolis, Minn.

Ephraim J. Smith, of Newport, was born at North Stratford, N. H., September 27, 1880. He graduated at the Newport High School in 1902, at Dartmouth College in 1906, and at the National Law School, Washington, D. C., 1912. He studied law in the office of Frank Plumley at Northfield, and was admitted to the bar in 1913. He has practiced at Newport since his admission and has held the office of Judge of Probate for the district of Orleans since April 1, 1919.

Frank D. Thompson, of Barton, was born at Irasburg, April 6, 1876. He was educated in the schools of Irasburg, at the St. Johnsbury Academy, and at the University of Vermont. He studied law in

the office of Judge Wendell P. Stafford at St. Johnsbury and at the Boston University Law School, where he graduated in 1899, *cum laude*. He practiced at St. Johnsbury, 1899-1906; since January 1, 1906, he has practiced at Barton. He was State's Attorney of Caledonia county, 1904-1906; Judge of Orleans County Municipal Court, 1910-1915; member of the bar examining board, 1916-1919; State's Attorney of Orleans county, 1918 to 1921; Supreme Court Reporter since April 1, 1919.

Frank C. Williams, of Newport, was born at Glover, May 12, 1853. He was educated in the common schools, at Orleans Liberal Institute, and at Goddard Seminary. He studied law in the office of Cook and Redmond at Newport and was admitted in 1899. He has practiced at Newport since admission. He was Town Clerk and Treasurer of Coventry, 1881-1896; school director in Coventry and in Newport; Judge of Court of Claims, 1902-1906; trustee Hospital for the Insane, 1906-1908; member of the House from Coventry, 1884, and Newport, 1908; Bank Commissioner, 1909-1919.

Willard M. Wright, of Barton, was born at Albany, November 26, 1867. He was educated in the common schools and at Craftsbury Academy, Barton Academy and St. Johnsbury Academy. He studied law in the office of Justice Willard W. Miles at Barton, and was admitted to the bar in 1895, locating and practicing at Barton. He has been village and town attorney; was State's Attorney, 1908-1912; and has been Orleans County Municipal Judge since 1917.

RUTLAND COUNTY

ON February 27, 1787, the General Assembly passed an act defining the boundaries of the several counties of Bennington, Windham, Windsor and Orange, and constituting the county of Addison, leaving Rutland county substantially as it is today, except that Orwell has been set off to Addison and a small tract to Windsor county.

Immediately after the organization of the county in 1781, Tinmouth, being the center of population and the home of its leading men, was selected as the shire. The first court house was the inn of Solomon Bingham, which was located on Tinmouth Flats, one mile east of the present meeting house. It was built of logs, was one story in height and about forty feet long. The family occupied one room and the courts were held in the bar room. The jury retired for deliberation to a log barn which stood near. The jail, which was also build of logs, stood about a mile north of the court house at the intersection of the road from Tinmouth village with the east road. Tradition says that a blanket served as a door for the first jail.

In 1784 Rutland was adopted as the shire town and the courts thereafter held their sessions until 1792 in the old gambrel-roofed building that stood until recently on West Street. It had two rooms, one with a floor and one without. The west room was for the court. This had a floor and elevated seats on the north side for the Judges, and benches for the jurors, witnesses and spectators. The east room served for the grand jury, the petit jury and the attorneys. A log jail stood a few rods to the west.

It was here that the first session of the United States District Court for this State was held in May, 1791, with Nathaniel Chipman presiding. The State Legislature, too, held here the sessions of 1784 and 1786, and it was here that the anti-court mob enjoyed a momentary triumph in November, 1786.

In 1792 funds were raised by subscription and a more stately court house was erected on Main Street just above the site of the old Franklin House. It faced to the south. The Legislature during the first session held therein, on October 25, 1792, passed "an act for the purpose of raising by lottery the sum of one thousand and sixty pounds lawful money for the purpose of defraying the expense of building the new court house in Rutland." In 1828 it became necessary to rebuild the then time-worn structure and again funds were raised by voluntary subscription by which the outside was bricked up and the interior refinished in wood. The building was extended forty-four feet in 1844 and with this change it served the needs of the county until April 3, 1868, when it was destroyed by fire. The

County Court was then in session and the remainder of the term was held in the office of Judge Prout, who was presiding at the time. One term was afterwards held in the rooms of the Christian Association, two in the old town hall and the remaining terms in the Federal Court room until the new court house was ready for occupancy in March, 1871. The present building was begun in 1869 and it originally cost $72,000. In 1885 an additional sum of $5,500 was expended in improvements. The rear entrance was opened, the Clerk's office enlarged, the court room made more comfortable and attractive and a new heating plant installed. Since that time only minor changes have been made, costing, however, over $5,000.

After the establishment of the House of Correction in Rutland in 1878 it served as the county jail until 1919, when it was consolidated with the State Prison at Windsor by the provisions of an act passed by the General Assembly and approved April 7, 1919. (No. 200, Laws of 1919.) The House of Correction was originally built pursuant to an act passed in 1876, and Rutland was selected as the site on condition that the county should contribute $20,000 for its erection and should have the use of the same as the county jail. The buildings originally cost $60,000, and important improvements were made to them from time to time. They stand on the bank of East Creek in the western part of the city. During the year 1919 the inmates were removed to Windsor and the House of Correction at Rutland was abandoned. But by the provisions of No. 216 of the Laws of 1921 it became the State Prison and House of Correction for Women and here the women prisoners are confined. The county purchased a site for a jail a little to the west and on the same side of the street as the County Court House and here a new jail has been constructed. It is low in structure, is made of brick and has all modern facilities for safety and convenience. The County Courts are held on the second Tuesday of March and September.

JOHN A. GRAHAM

1764-1841

John A. Graham was the first practicing attorney in Rutland county, and as claimed by some authorities, in Vermont. He was born in Southbury, Conn., June 10, 1764, and died in New York, August 8, 1841. After studying law in his native town he was admitted to the bar of Connecticut in 1785 and removed to Rutland. He says, to use his own language in a book published by him in 1797 on the early history of Vermont: "I moved forward as well as I could desire, in the different courts of common pleas, till the year

HOSEA FAXON BALLOU

A leading clergyman in the Universalist Church

Rev. Hosea Faxon Ballou

1790, when I was called to the bar of the Supreme Court of the State. I practiced in this court until June, 1792, when at the Circuit Court of the United States of America, for the district of Vermont, at Bennington, I was called to the bar of that court and admitted and sworn as an attorney and counselor." In 1794, Mr. Graham was appointed on the staff of Governor Chittenden with the rank of Lieutenant-Colonel. In the same year he was sent to Europe by the Episcopal Church of Vermont in the interest of that organization. As this is the year of the passage of the acts appropriating the Church property to the use of the towns, it is fair to assume that this was the occasion of his mission. While in England on a second visit he was given the title of Doctor of Laws by the Royal College of Aberdeen and there he devoted some time to writing his book on Vermont. In 1800 he returned to Vermont, where he attained considerable success in the practice of the law. He is credited with having obtained a decision which resulted in legislation securing to persons charged with crime the right to an interview with counsel before being examined by a magistrate. For his argument in this case he received the congratulations of many eminent men both in and out of the legal profession.

ROLLIN C. MALLARY

1784-1831

Rollin C. Mallary was one of the most eminent of the early lawyers in Rutland county. He was born in Cheshire, Conn., May 27, 1784, where he resided until 1795, when he came with his parents to Poultney. He graduated at Middlebury College in 1801 and was admitted to the Rutland county bar in 1807. The following October he was appointed by Governor Smith secretary of the Governor and Council. The same office was held by him in 1811, 1812, 1813 and 1816. He soon took rank among the ablest lawyers in the county. He was State's Attorney from 1811 to 1813 and again in 1816. He was elected to Congress in 1819 and received six successive re-elections. Here his services were of the highest value. He lived in Castleton until about the time of his election to Congress. He died in Baltimore, April 15, 1831. Ahiman L. Miner of Manchester, a leading lawyer of the last generation, speaking of Mr. Mallary at the centennial celebration of the organization of Rutland county in 1881, said of him: "Mallary had perhaps as much ability as any man ever raised in this State."

ROBERT PIERPOINT

1791-1864

Robert Pierpoint was a distinguished member of the Rutland county bar. He was born at Litchfield, Conn., May 4, 1791, one of the seven sons of David Pierpoint. At seven years of age he was placed with his uncle, who lived at Manchester, Vt. He aided his uncle as best he could in keeping a country inn until he was sixteen years of age, when he entered the office of Richard Skinner and began the study of law, a pursuit which he followed with the utmost enthusiasm until he became of age. In June, 1812, he was admitted to the bar of Bennington county and in the same year he came to Rutland to live. He was shortly afterwards made Deputy Collector of the district tax, a place which he filled with tact, energy and ability. He represented Rutland in the General Assembly in 1819, 1823 and 1857; was a member of the Constitutional Convention in 1822 and 1828; member of the State Council from 1825 to 1830, and State Senator from 1836 to 1839; County Clerk from 1820 to 1839; Judge of Probate from 1831 to 1832; Clerk of the House of Representatives in 1832 and 1838 and Lieutenant-Governor in 1848 and 1849. He received the degree of M. A. from Middlebury College in 1826 and from the University of Vermont in 1838. He was a Judge of the Circuit Court from 1850 to 1856. He was an able and good man who ranked high in his profession and was a formidable opponent at the bar.

SOLOMON FOOT

1802-1866

Solomon Foot was born at Cornwall, in Addison county, November 19, 1802, and graduated at Middlebury College in 1826. Following his graduation he tutored in the University of Vermont and was for a time principal of Castleton Seminary. He was professor of natural philosophy in the Vermont Academy of Medicine at Castleton from 1829 to 1831. He studied law in Rutland and was admitted to the bar of the county in 1831. He settled in Rutland and entered at once upon a successful practice and was especially noted as a jury advocate. He became prominent in political affairs and was a favorite as a platform orator. As president of the monster Whig Convention held at Burlington in 1840 he sprang into great prominence. His first words on this memorable occasion, uttered in his loud, melodious voice, "Men of Vermont, come to order," thrilled and hushed the

vast throng in a moment of time. This was the beginning of a brilliant and successful political career. He represented Rutland in the State Legislature in 1833, 1835, 1837, 1838 and 1847. He was Speaker in the last three sessions. He was a prominent member of the State Constitutional Convention of 1836 and State's Attorney from 1837 to 1842. Elected to Congress in 1843, he continued to serve until 1847. In 1850 he was elected United States Senator, which place he held until his death. He was president of the Senate during a part of the Thirty-sixth Congress and during all of the Thirty-seventh Congress and was prominently mentioned as a candidate for Vice-President in 1860. He made many elaborate speeches in the Senate and was conspicuous in the Lecompton debate in 1850. He was one of the great war Senators and a friend and adviser of President Lincoln.

In 1854-55 he was president of the Brunswick and Florida Railroad and visited England, where he negotiated its bonds and purchased the iron for its construction. He died in Washington, March 28, 1866. A memorial service was held in the Senate chamber after which the remains were conveyed to Rutland, accompanied by a senatorial committee and deposited in the Federal Court room where an impressive scene occurred on the delivery of the body to the people of Rutland in feeling discourses by Senator Poland, his colleague in the Senate, and Senator Doolittle of Wisconsin. These were followed by an address of acceptance by William T. Nichols on the part of the people. On the day of the obsequies people came from all parts of the State to pay homage to the dead Senator. The eulogy was pronounced by Rev. Norman Seaver, D. D., the long-time eloquent pastor of Rutland. The burial was at Evergreen Cemetery, where a monument of granite has been erected, taken from the same quarry from which the stones in the Vermont State House were obtained. He left his large library to the United States Court of Vermont. Senator Foot was a man of commanding presence, a dignified and eloquent orator of the old school, a perfect presiding officer and a lawyer of marked ability.

EDGAR L. ORMSBEE

1805-1861

For twenty years or more Edgar L. Ormsbee was a leading member of the Rutland county bar. Born in Shoreham in 1805, he graduated at Middlebury College in 1823 in a brilliant class, in which he distinguished himself for classical scholarship and natural talent. He studied law with Rodney C. Royce in Rutland, graduated at the Litch-

field Law School, and was admitted to the bar in 1826. He rose quickly to a high position in his profession, which he retained until his retirement from practice. While his manner was not adapted to the trial of jury cases, his argumentativeness and fondness for metaphysical distinctions adapted him to the practice before the Supreme Court. He did not appear at his best in the smaller cases, but when the case was one of sufficient importance to call forth his best powers of mind, he would rise in dignity and grace and pour forth his thoughts in chaste and manly diction in unsurpassed eloquence. No one could give a clearer analysis of a question than he. His wit was keen, his humor unbounded, his repartee always ready, and his satire irresistible. His perceptions were far reaching and prophetic. He was one of the first to conceive the feasibility of intercommunication through western Vermont with Canada and other localities, and his ardent advocacy with tongue and pen did much to assure the railway system which Rutland enjoys. The only public office he held was that of State's Attorney, from 1845 to 1847. He died November 24, 1861.

CHARLES H. JOYCE

1830-1916

Charles H. Joyce was born near Andover, England, January 30, 1830. He came to this country with his parents when six years old. They settled in Waitsfield, Vt., where he attended the public schools. He afterwards was a student at Waitsfield and Northfield Academies and Newbury Seminary. He began his law studies in 1850 in the office of John L. Buck and Francis V. Randall at Northfield and completed them in the office of Ferrand F. Merrill at Montpelier. He served for a time as Assistant State Librarian. In 1852 he was admitted to the bar in Washington county and settled at Northfield. In 1856 he was elected State's Attorney of Washington county and was re-elected the following year. In this office he greatly distinguished himself by his able prosecution of several cases of felony. Early in the war he was Major of the Second Regiment, Vermont Volunteers, which did service under Gen. O. O. Howard. While holding this command he participated in the first battle of Bull Run and in the battle of Lee's Mills. He was promoted to the Lieutenant Colonelcy of the regiment in June, 1862, and while holding this office took part in several engagements, including the second battle of Bull Run and the struggle around Fredericksburg, but on account of ill health he was obliged to resign his commission in January, 1863. The following summer he located in Rutland and soon held a position of leadership at the bar, and from that time he was engaged in much of the most

important litigation in that part of the State. His services were particularly in demand as an advocate, especially in criminal causes. He was equally successful in the prosecution and in the defense of this kind of cases. He took part in several murder trials. He prosecuted John P. Phair, who was afterwards executed for the murder of Anne Frieze, and he defended successfully Colvin B. Inman of Poultney, who was tried at the September term of the Rutland County Court, 1889, for shooting Patrick Sennett. In the latter case he held the great audience of spectators spell-bound. He painted a picture so touching that there was scarcely a dry eye in the audience.

In 1869 he represented Rutland in the Legislature and was returned the following year, when he was made Speaker. His first election to Congress came in 1874 and he was re-elected in 1876, 1878 and 1880. In his Congressional relations he served on important committees and rendered efficient service. He frequently spoke on important subjects and when he did so he commanded the attention of the House.

He was a popular and forcible platform speaker and from the time of the Fremont campaign, in 1856, to the time of his retirement from public life he was in demand as a campaign orator, both in Vermont and in other States. His place in the forefront of the legal fraternity was not questioned; he was conscientious and industrious as a member of Congress; brave as a soldier and useful as a citizen. He enjoyed a peaceful repose from his active life in retirement in the town of Pittsfield, in Rutland county, and here he died, November 22, 1916.

EBENEZER J. ORMSBEE

1834-

Ebenezer J. Ormsbee, the first citizen of Brandon and a leading lawyer of Rutland county, was born at Shoreham, Vt., June 8, 1834, the son of John Mason and Polly (Wilson) Ormsbee. His education was obtained in the common schools and in the academies at Brandon and South Woodstock. He studied law in the office of Briggs and Nickolson at Brandon and was admitted to the bar in Rutland county at the March term, 1861. Instead of entering practice he enlisted in the "Allen Grays," a military company organized at Brandon. This company was subsequently known as Company G, First Regiment, Vermont Volunteers. In this he served as Second Lieutenant during the term of the company's enlistment. After the four months' service in this company had expired he returned to Brandon and enlisted in Company G, Twelfth Regiment, Vermont Volunteers, in which he was commissioned Captain. This Regiment was attached to the Second

Vermont Brigade, commanded by General Stannard, which afterwards became the Third Brigade in the Third Division of the First Army Corps, Army of the Potomac, which took a prominent part in the Gettysburg campaign. On his return to Brandon in July, 1863, on being mustered out of service, Captain Ormsbee associated himself with Anson A. Nickolson, in practice at Brandon. Afterwards he formed a partnership with Ebenezer N. Briggs, at the same place, and this was followed by a partnership with George E. Briggs, a son of the former partner. This continued for many years under the name of Ormsbee and Briggs. It was the leading law firm in Rutland county, outside of Rutland City. From 1868 to 1872 he was Assistant United States Internal Revenue Assessor; State's Attorney for Rutland county from 1870 to 1874, Representative from Brandon to the Legislature in 1872 and State Senator in 1878; trustee of the Vermont Reform School from 1880 to 1884, resigning in the latter year to become Lieutenant Governor. Two years later he was elected Governor. In 1891 he was appointed by President Harrison to treat with the Piute Indians at Pyramid Lake, Nevada, a task which he performed with such fidelity and tact that President Harrison named him as a Commissioner of the United States to Samoa. Here, in company with similar appointees from Germany and Great Britain, he adjusted certain private claims of citizens of the three governments amounting to many millions of dollars. The service consumed two years, from November, 1891, to November, 1893. On the completion of this service he resumed practice at Brandon. On the failure of Hammond, Bush & Company and the Vermont Investment and Guarantee Company of Orwell he was appointed receiver by the Court of Chancery of the latter company and in this work was engaged for about ten years. This was a task of large magnitude and it was performed in an able and conscientious manner. It was the most important service, from a business point of view, rendered by Governor Ormsbee during his long career. He kept up his practice until he was nearly eighty years of age, and was in daily attendance at his office. At this time a partial stroke of paralysis incapacitated him from active service. He is still able, however, to perform his duties as President of the Brandon National Bank; his advice is still sought by his close personal friends and he retains an active interest in his town, county and State.

Every trust reposed in Governor Ormsbee has been carefully administered. He performed his public duties with dignity and diplomatic skill, and in his private practice he enjoyed the confidence of a large circle of clients, whose interest he cared for with judgment, tact and ability.

JOEL C. BAKER

1838-1904

Joel C. Baker was born at Danby, Vt., April 16, 1838 and died at Rutland June 6, 1904. His ancestors came from Rhode Island. He began the preparation for college under a private tutor, but was unable to take a college course. In 1859 he entered the office of Spencer Green, in Danby, as a law student. It was necessary for him to earn some money during the time he was studying law here, and for that purpose he learned the blacksmith trade. This he followed during the day, devoting his attention to study in the evening. He left the office of Mr. Green to enter that of David E. Nicholson of Wallingford, with whom he continued until his admission to the Rutland county bar, April 4, 1862. The same year he enlisted in Company B, Ninth Regiment, Vermont Volunteers, and served until the end of the war. He was captured and paroled. When Richmond was taken he was the first to enter the city and personally hauled down the flag that was flying over the residence of Jefferson Davis. He was promoted from the office of Second Sergeant of his company to that of Captain.

For a short time he remained in North Carolina, where he had an extensive practice in the Provost Courts, which were organized under an act of Congress. Removing to Vermont he located at Wallingford, but soon removed to Rutland, which was his home during the remainder of his life.

In the early days of his career his practice was slow of growth and in order to support his family he turned to outside work. From 1869 to 1873 he was editor of the *Rutland Herald,* daily and weekly, a position which he filled with distinguished success. During the same time he was Register of Probate for the District of Rutland. By paying careful attention to all law business entrusted to him during the years he was discharging his other duties by 1873 his practice had so increased that he gave up his editorial work and devoted his entire attention to his profession. He spent much time in general study of the law and devoted much attention to the subject of procedure. Hours of research among the records of the County and Supreme Courts were spent, to the end that he might become a master in the art of pleading. This made him an authority on the subject and he became the guide, counsellor and friend of young and old attorneys alike who were in doubt as to how to bring their cases. Business came in great abundance. At one time he was connected with no less than two hundred pending cases. In addition to this he was master and referee in many other cases and during the last years of his life was Referee in Bankruptcy. Yet his work was so ordered that it did not seem to the outside world

that he was over-busy. His practice extended to the counties that border Rutland and took him into the Federal Courts and to the United States Supreme Court. He tried his cases fairly, honestly and earnestly on their merits, without using any of the tricks of the pettifogger. He always spoke fluently, logically and to the point, but was without magnetism. It is natural that such a lawyer should have been more successful with the courts than with juries; yet for a quarter of a century he was engaged in most of the important jury trials in his county. His temperament was well adapted to the large work which he dispatched for so long a time. He had an even temper and was slow to wrath.

He had little political ambition. He held but one public office, that of County Senator. It came suddenly and unsought in 1886, and he filled it with ability. In 1900 he reluctantly became a candidate for Congress, but could be induced to do nothing to further his canvass; not a letter even would he write in his own behalf. It was natural that in a heated canvass on the part of other aspirants he should have failed of the nomination. One position he did aspire to, and that a place on the Supreme Court, and twice in his career his ambition seemed about to be gratified, but each time the honor fell to another.

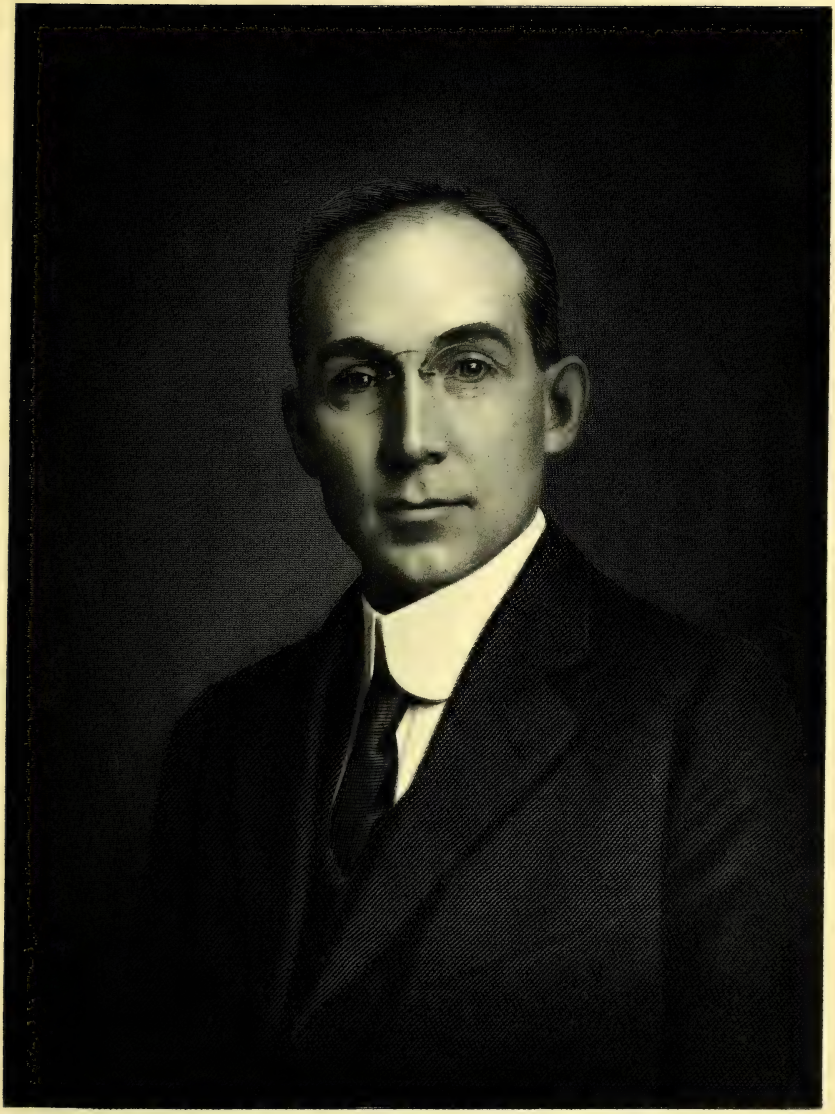
ALDACE F. WALKER

1842-1901

Aldace F. Walker of Rutland was an exceptionally able lawyer and administrator. He was born in West Rutland May 11, 1842, the son of a Congregational minister. He spent his youth in West Rutland, where he attended school. He prepared for college at Kimball Union Academy at Meriden, N. H., and graduated from Middlebury College in 1862, standing at the head of his class. The last months of his course were spent in enlisting and drilling recruits for the Eleventh Vermont Infantry, of which he was commissioned First Lieutenant. He delivered his valedictory address amid great enthusiasm, in the uniform of his rank. He was promoted to the position of Captain and later commissioned as Lieutenant Colonel. His war record was a splendid one for bravery and discipline. When the war was over he returned to Vermont and took up the study of law, first in Wallingford and Manchester and then in the office of George F. Edmunds in Burlington. He completed his studies in Columbia College and for seven years practiced in the office of Strong and Shepard in New York City. On the death of the head of the firm he could have became a partner of the surviving member, Elliot F. Shepard, but preferred to return to Vermont. In 1873 he removed to Rutland, where

JOHN MARTIN THOMAS

Born in Fort Covington, N. Y., December 27, 1869, being the son of Rev. and Mrs. C. N. Thomas. He graduated from Middlebury College in 1890, from Union Theological Seminary in 1903 and studied in Germany. He was ordained a Presbyterian minister in 1893 and was pastor of the Arlington Avenue Church at East Orange, N. J., from 1893 to 1908. In 1908 he was elected president of Middlebury College and served that institution very efficiently until 1920, when he resigned to accept the presidency of Pennsylvania State College. He was a member of the Lake Champlain Tercentenary Commission. He served as Chaplain of the Vermont regiment ordered to the Mexican border in 1916 and in a similar capacity on an army transport plying between the United States and Europe during the World War. He was the first commander of the Vermont division of the American Legion. In 1920 he was elected one of the Vermont delegates to the Republican National Convention. He is author of "The Christian Faith and the Old Testament" (1908), and a contributor to various magazines. In 1893 he married Sarah G. Seeley of Middlebury, Vt. Five children have been born to them, Marion S., Huldah M., Henry S., John M. and Sarah G. Thomas.



John M. Thomas.

he formed a partnership with Judge Prout. As the active member of the firm of Prout and Walker, Prout, Simons and Walker, and Walker and Livingston, he was engaged in most of the important litigation of the time in Rutland county. Toward the end of his career in Vermont he gave most of his time to equity cases.

Upon the creation of the Interstate Commerce Commission he was appointed by President Cleveland one of the five commissioners. This place he resigned in 1889 to become Chairman of the Interstate Commerce Railway Association, a rate-maintaining organization composed of most of the railroads operating westerly and southerly of Chicago. He was also at the head of the Western Traffic Association, which was a successor to the former association. During the time he held these trusts he resided in Chicago. He was one of Vermont's Commissioners to the World's Columbian Exposition. On the dissolution of the Western Traffic Association, he became one of the Commissioners of the Joint Committee of the Central Traffic and Trunk Line Association, comprising railroads east of Chicago. In 1894 he practiced law in Chicago and New York in interstate commerce matters. In the same year he was appointed one of the receivers of the Atchison road, of which he soon became the active head. His brilliant service here made him the chairman of the board of directors and of its executive committee when the road was re-organized in 1895. He continued in the service of this corporation until his death, April 12, 1901.

Colonel Walker was a truly great man, strong, able and fair in the practice of his chosen profession and skilful in the administration of the great trusts that came to him in his mature years. He held high rank as a citizen, was a forceful and accomplished orator, an interesting writer, a lover of good things in literature and a companionable and attractive man.

GEORGE E. LAWRENCE

1844-1921

George E. Lawrence, for many years a leader at the Rutland county bar, had the unique and unusual experience of having occupied the same rooms at 25 1-2 Merchants Row, in the city of Rutland, during his practice of fifty-one years.

He came of good New England stock, which numbered among its members those who were conspicuous in both civil and military life. His father was Edwin Lawrence of Weybridge, a man of high character, who married Harriet Yale of Middlebury.

George E. Lawrence was born at Weybridge, June 10, 1844. After the proper preparation therefor he entered Middlebury College,

where he graduated in 1867. At the Albany Law School he graduated in 1868, and the same year pursued his studies further in the office of John W. Stewart, at Middlebury, and was admitted to the bar. He began practice at Rutland in 1870. Four years later he formed a partnership with Charles H. Joyce, later a member of Congress, which continued for four years, and subsequently he was associated in practice for many years with P. M. Meldon. He was alone in practice for some time, but as soon as his son, Robert A., was fitted for the bar he took him as a partner and later his son, Edwin W., and Bert L. Stafford became his partners.

He held the office of State's Attorney from 1878 to 1880, and again from 1900 to 1902. He was Municipal Judge from 1874 to 1878, and declined re-election. He represented Rutland in the General Assembly in 1894, and was President of the Rutland County Bar Association for several years. He married Catherine E. Phalen. The two sons, Robert A. and Edwin W., and a daughter, who died in 1888, were the only children. Sketches of both sons appear in this chapter. George E. Lawrence died at Rutland, April 9, 1921.

George E. Lawrence was an able lawyer, a wise and safe counsellor, industrious and painstaking, of sound judgment, and courteous in demeanor. He stood among the leaders of the bar with Joel C. Baker and Thomas W. Moloney, and was a successful jury advocate. He enjoyed the confidence of the Judges and of his associates at the bar, and had the esteem of all with whom he had professional or social intercourse. He presented his cases before the Supreme Court with such candor and ability that one of its distinguished members said of him: "We always pay attention when Judge Lawrence argues a case before us. He is always helpful, and we can always rely upon him because he never attempts to mislead the court."

WILLIAM B. C. STICKNEY

1845-

William B. C. Stickney, the leader of the Vermont bar, was born at Marblehead, Mass., January 16, 1845, in a house built by Capt. Nicholas Trivett, who commanded an artillery company at the Battle of Bunker Hill. He was educated at home and in the Cambridge and Boston public schools and at Harvard College, where he was a member of the class of 1865, but did not receive the degree of A. B. until 1905. He received the honorary degree of A. M. from Dartmouth College in 1896, and of LL. D. from Middlebury College in 1918.

In 1857, after graduating at the Mayhew Grammar School, Hawkins Street, Boston, he headed a procession of Franklin Medal Scholars at

the dedication of the Franklin Statue in the City Hall Yard of Boston. The rear guard of the procession was a barouche in which were two medal scholars, residents of the North End, Mr. Lash and Mr. Harris, the recipients of their medals at the first distribution in 1793. In 1868 Mr. Stickney was at Washington, having employment in the legal bureau of the Secretary of the Treasury, also in the Patent Office. At the same time he was the secretary of Senator Fessenden of Maine, and later acted in a similar capacity for Gen. Benjamin F. Butler of Massachusetts. After admission to the bar in the Supreme Judicial Court of Massachusetts and the Circuit Court of the United States for the first circuit, he came to Vermont, and was admitted to the bar of Windsor county at the December term in 1874.

In August, 1875, he entered into a partnership with the late Augustus P. Hunton, at Bethel, a grand opening for a young and ambitious lawyer. Judge Poland, Edward J. Phelps, and George F. Edmunds were frequent callers at the office of Hunton and Stickney to confer with Mr. Hunton upon legal questions of importance arising in their practice, and the young junior partner had rare opportunities of observing the shrewd practical application of the principles of law to matter of business. It was several years before he felt qualified to assume independent responsibility, although thoroughly convinced that the only course for a practitioner in advising clients and conducting their business of a legal nature is to rely upon his own judgment, the fruit of his own study, deliberation and consideration, fortified, perhaps, but not engendered by the opinion of others.

In Bethel, his home, he met as opponents Hon. John W. Rowell, for many years Chief Judge of the Supreme Court, James J. Wilson, a sharp, ready and resourceful advocate; Dudley C. Denison of Royalton, a successful jury lawyer; Warren C. French of Woodstock, a skilful attorney, learned in the law; William E. Johnson, also of Woodstock, a grandson of the late Senator Collamer, a man of remarkable judgment and intuitive perception of what the law ought to be and a great force before a jury. Such a practice was stimulating and a continuous incitement to efforts and study of principles, as well as cases.

Mr. Stickney's early study of the law, before his admission to the bar, was in the office of the late Chief Judge Isaac F. Redfield in Boston, where in connection with a regular course of study of text books upon the various branches of law and equity, he was employed to collect authorities for text books written or edited by Judge Redfield. This involved research in the Social Law Library of Boston, then kept in the old Suffolk County Court House, about which lingers the memories of Webster, Choate, Dexter, Judge Wild, Judge Shaw and the great masters of the logic and eloquence of the common law of England. An ever present recollection of these delightful days is

the vision of the late Horace Gray, then at the bar, afterwards Chief Justice of the Supreme Judicial Court of Massachusetts, and later Justice of the Supreme Court of the United States, and the late Theron Metcalf, formerly a Justice of the Supreme Judicial Court of Massachusetts. Judge Gray was very tall, about six feet, and of massive stature and extreme dignity. Judge Metcalf, equally dignified, was very diminutive, about five feet one, and thin. Both were profound students and daily visitors at the Library, Judge Gray to study the law applicable to his cases, Judge Metcalf preparing work for publication. However absorbed Judge Gray might be, he never failed to be at hand to reach a book on the high shelf as Judge Metcalf might require it.

Mr. Stickney's later practice, after 1891, was largely for clients out of Vermont. His first considerable employment was by the New York Life Insurance Company, and later his time and services were almost entirely engrossed by public service corporations and a few industrial associations at the sacrifice of the more exciing conduct of suits arising in the ordinary course of human events, and disputes resulting from pride, passion, prejudice, spite, or the root of all evil, love of money. The consequence has been that for the latter years of his practice he has not appeared in Court as often as formerly, but he has tried several important cases in recent years and is pretty sure to be offered a retainer on one side or the other, and sometimes on both, in cases involving large interests that are for trial.

Among his most important clients are the Boston and Maine, and New York, New Haven and Hartford Railroads, the American Express Company, the New England Telephone and Telegraph Company and the Western Union Telegraph Company.

In 1884 Mr. Stickney was a member of the General Assembly, representing the town of Bethel, where he had been married in February, 1877, to Mary Hunton, his partner's daughter, and where his children were born. In the Legislature his great effort was to relieve the towns of the State from excessive burdens in the maintenance of highways by transferring such excess to the State, in which he was not particularly successful.

After 1884 he attended the several sessions of the General Assembly at Montpelier in the interests of clients, and took occasion to exert his influence in general legislation affecting taxation, highways, transportation and banking, and the administration of justice. His advice was frequently sought and freely rendered according to his light. His attendance at Montpelier was continuous through the sessions after 1884 until 1915. Since that year it has been only occasional. He has never sought public office, nor engaged in politics, other than as he felt that his duty to the community and his State demanded his activities and exertion as a private citizen intensely concerned for the public welfare.

Mr. Stickney has enjoyed the undisputed leadership of the bar for more than twenty years, has tried important cases in most of the counties in Vermont, and has argued many cases in the Supreme Court and in the Federal Courts. His is the best trained mind in the profession and his long and wide experience, sound judgment and profound learning have given him preeminence over the other members of the bar. His charming personality and warm interest in the work of his fellow lawyers have made him a general favorite with them and his erudition and masterly presentation of cases to the courts, as well as his courteous conduct on all occasions, have endeared him to the Judges. His life is an illustration of what can be accomplished by a country lawyer of equipment and talents that are adapted to and applied in the discharge of intricate and important legal duties.

JAMES C. BARRETT

1851-1887

James C. Barrett, of Rutland, was the victim of a fatal accident which occurred on February 14, 1887. He was a leader of the Rutland county bar and a man of great promise. This was at a time when tobogganing was a popular pastime in Rutland. In the chute down which Mr. Barrett slid was a splintered board which had been displaced by some one passing over it so that it projected into the slide, pointing upward. Without any knowledge of this condition on the part of Mr. Barrett, he and two others, including Mrs. Barrett, dashed down the chute. Mrs. Barrett was uninjured, the other passenger received an ugly wound from the splintered board, which passed from her body into that of Mr. Barrett, which it entered on the inner side of the thigh. It went through the abdomen, and came out at the back. Thus transfixed, he was caught up from the toboggan, which passed on down the chute. Assistance was soon at hand and he was carried to a near-by building, where medical help was hastily summoned. The board, which was still in his body, was sawed off and removed and the fearful wounds dressed as best they could be. Mr. Barrett was fully conscious and realized his great danger. His first call was for his wife and when she arrived he kissed her and asked her to pray for him. They both prayed and when the doctors were about to etherize him he asked them, one after the other, about the chances for his recovery and when told that they were about one in a thousand he said he would try and take that chance. He remained conscious and comparatively comfortable during most of the next day, was able to converse with the members of his family, but died before midnight.

James C. Barrett was the son of Judge James Barrett of the Vermont Supreme Court. His birth was at Woodstock, December 26, 1851. He prepared for college in the village schools of Woodstock and under a private tutor, entered Dartmouth in 1870 and graduated four years later. In his junior year he was recognized as the foremost writer and debater in his class. Following graduation he began the study of law under the direction of his father in the office of William E. Johnson, at Wodstock. Ill health prompted an ocean voyage and he visited Europe, spending some time with George P. Marsh, then Minister to Italy, and with Henry Stevens, trustee and acting librarian of the British Museum, both distinguished Vermonters. He returned home in May, 1877, and that year was admitted to the bar in Windsor county. In July he located in Rutland, where he remained in practice until his tragic death. In 1882 his father removed to the same place and the two formed a partnership under the name of Barrett and Barrett. Mr. Barrett was one of the most promising members of the bar of his county at the time of his decease. He was connected with the important litigation in Rutland county. In the celebrated case of Langdon against Vermont & Canada Railroad Company he had a leading part, as he did in the case of Chaffee against the Rutland Railroad Company, the Rutland Railroad Company against Clement & Sons, and Tillotson against Pritchard; but the case in which his abilities were best displayed was that of the Rutland Railroad Company against Page. This was heard at the March term, 1885, in Rutland County Court, and was one of the most remarkable cases ever tried in Vermont. The damages claimed were two million dollars and the trial lasted eight weeks and two days. Mr. Barrett was the leading attorney and examined and cross examined most of the witnesses and argued many of the questions of law raised during the trial. He displayed great mental and physical vigor and proved a match for the older and more experienced lawyers who opposed him. And yet his forte was not as a jury advocate, where he was perhaps too refined to be effective at all times. But he was a brilliant legal scholar who knew the law not merely as a system of rules and decisions but as a body of harmonious principles. In style he was perspicuous, energetic and concise. He never attempted the pathetic and rarely the humorous; he seldom resorted to sarcasm or invective, but he had great facility of expression and could effectually meet an argument of an hour by a statement of a few minutes. His fine legal attainments were coupled with severe integrity and great moral courage and independence.

JULIA C. R. DORR

The daughter of Mr. and Mrs. William Y. Ripley, was born in Charleston, S. C., February 13, 1825. Her parents removed to Vermont when she was young. In 1845 she married Seneca M. Dorr, a Rutland lawyer and banker. She began to write at the age of twelve, but published nothing until 1849, when her first poem appeared in the *Union Magazine.* For more than sixty years she was active in literary work. Several editions of her poems were published. In her later years "Afterglow" and "Beyond the Sunset" were published. Her prose work included four novels, "Farmingdale," "Lanmere," "Sybil Huntington" and "Expiation"; also "Bermuda," "The Flower of England's Face," "A Cathedral Pilgrimage" and "In Kings' Houses." Emerson gave her a place in his "Parnassus" and Stoddard included ten of her poems in his "Female Poets of America." She was a woman of charming personality and her beautiful home was a center of gracious hospitality. She died January 18, 1912, aged eighty-seven years.

Mrs. Julia C. R. Dorr

THOMAS W. MOLONEY

1862-1917

Thomas W. Moloney, for more than twenty-five years a leading member of the Rutland county bar, was born in West Rutland, January 10, 1862, the son of Michael and Mary Ryan Moloney. He concluded a preparatory course in Montreal College and graduated from Holy Cross in 1882. After graduation he entered the law office of Redington and Butler in Rutland as a student, and when Mr. Redington severed his connection with the business in 1885 he became a partner of Judge Fred M. Butler, remaining as such until the latter's election to the bench as Superior Judge in 1909. The firm of Butler and Moloney was one of the best known in Vermont and its business extended throughout the southern counties of the State. After the elevation of Judge Butler to the bench Mr. Moloney continued the business alone until his decease.

As a trial lawyer, and particularly as a criminal lawyer, Mr. Moloney stood in a class almost by himself. He had no superior, if an equal, in his State. His capacity of acquisition of the facts of a case was remarkable and his knowledge of men and wide range of general information exceptional. A winning presence and an eloquence that was sure to touch the jury made him a formidable opponent. He was without a peer as a cross examiner and rarely lost a case when the chances were equal. He had, moreover, the kindliest qualities of heart—an attribute that helped him not only in the acquisition and retention of business, but gave him a large circle of personal friends.

He was a Democrat in politics. In 1890 he represented the City of Rutland in the Legislature, in 1896 was a candidate for Congress, and the same year was chairman of the Vermont delegation to the Democratic National Convention. Two years later he was the nominee of his party for Governor and in 1889 its candidate for the United States Senate. He received at a later time strong endorsement for the Federal Judgeship in this district. He was eminently qualified to have filled any of these offices. He died at Rutland June 30, 1917.

MARVELLE C. WEBBER

1868-

Marvelle C. Webber was born at Rochester, Vt., January 14, 1868. His father, Christopher Allen Webber, died at the early age of forty-one, but not until he had acquired the reputation of being an

accomplished lawyer. Edward J. Phelps, who was once associated with him in a suit, was so impressed with his ability that he urged him to leave Rochester and locate in a larger place. On his decease Judge Barrett said of him that he was one of the most promising young lawyers in Vermont. His father, Sumner Allen Webber, born in Rutland, admitted to the Rutland county bar in 1824, after studying law with Judge Charles K. Williams, was likewise a lawyer at Rochester; he was a leader in his profession, a wise, able and prudent counsellor, and an eloquent advocate. Christopher Webber (great grandfather of Marvelle), moved to Rutland from Walpole, N. H. before 1800, when a young man, but afterwards located at Cavendish, where he became a man of great influence in the community, holding various town offices and twice representing the town in the General Assembly.

Marvelle C. Webber received his preparatory education in the public schools of Rochester and at Montpelier Seminary, where he graduated in 1886. The same year he entered Williams College but remained only one term, when he entered Boston University, where he graduated from the College of Liberal Arts in 1889, with the degree of Bachelor of Philosophy. This was followed by a course in the law school of the same institution, from which he graduated in 1891, with the degree of Bachelor of Laws. Through the influence of his uncle, Marvelle W. Cooper of New York, in 1891 he entered the law office of Evarts, Choate and Beaman, while Mr. Evarts and Mr. Choate were senior members of the firm. After serving a clerkship for one year in this, the leading law office in New York, he was admitted to the New York City bar in December, 1892, and continued from that time in the employment of the firm until March, 1898, acting as managing clerk for a period of two years. In the latter year he left New York on account of ill health and returned to Vermont. In 1901 he located in Rutland, where he has since resided. Here he has conducted important litigation, and taken high rank as a lawyer. One of the first leading cases in which he was associated was that of Patch Manufacturing Company v. Protective Lodge No. 215, International Association of Machinists, which was brought to recover damages on account of a strike and in which he was one of counsel for plaintiff. This resulted in a verdict for the plaintiff, which was later sustained by our Supreme Court. He argued, with the late Maxwell Evarts, Esq., of New York, the case of the State of Vermont v. the Clement National Bank before the United States Supreme Court. In this case the constitutionality of the tax legislation affecting savings deposits in national banks was involved. Mr. Webber was of counsel for the bank. In 1909 he was appointed by Governor Prouty one of a committee of three to arrange and provide for the compilation and issue of a digest of the reported decisions of the Supreme Court of Vermont. This digest was afterwards published by the West Pub-

lishing Company, in 1911. In 1912 and 1913 he was made a commissioner from Vermont by appointment of Governor Mead to attend the annual conference of commissioners from the various States on uniform legislation. He served nearly two years as City Attorney for the City of Rutland. He has served as a School Commissioner for the City of Rutland since 1912 and as President of the Board for two years. He was appointed a member of the State Board of Education by Governor Gates in 1915 and was reappointed by Governor Clement in 1919, and by Governor Hartness in 1921. He was elected President of the Vermont Bar Association in 1920 and is a member of the American Bar Association. There is not in Vermont a more accomplished lawyer nor a more polished gentleman.

He married April 16, 1902, Mary Rex of Philadelphia, daughter of Dr. Oliver P. Rex, one of the most prominent physicians of that city and medical director of the Penn Mutual Life Insurance Co. There are three children: Payson Rex, Christopher Allen, and Marvelle Cooper.

ROBERT A. LAWRENCE

1878-1912

Robert A. Lawrence of Rutland was a young man of attractive personality, wide sympathies, and good lawyership. He was the son of George E. Lawrence and a brother of Edwin W. Lawrence. Robert A. Lawrence was born at Rutland, October 15, 1878, and died at the same place, March 10, 1912. He was educated in the public schools of Rutland, graduated at the Rutland High School in 1894, spent a year in additional studies at this school and in his father's law office, then entered the University of Vermont, from which he graduated in 1899. After his college course was ended he entered the office of his father, where he prepared for his profession and was admitted to the bar in 1901. He formed a partnership with his father, which continued until his death. At the age of twenty-five he was elected State's Attorney and held the office from 1904 to 1908. He discharged his duties with conspicuous ability and procured several notable convictions. He was counsel for important interests, including the Rutland Railroad Company and the Vermont Marble Company, was a director of the Rutland County National Bank and president of the Rutland Garment Company, a successful manufacturing corporation.

On April 25, 1911, he married Mary Stickney, daughter of William B. C. Stickney, the leader of the Vermont bar, from whom he was parted ten months later by death. The fatal tragedy was the last of a series of accidents that befell Mr. Lawrence. The first came

to him while in college. He fell while trying a rope fire escape in a fourth-story room of the Converse dormitory and was this time saved by falling into a snow bank. While campaigning in northern Vermont in 1906 in the Proctor-Clement contest for the governorship he injured a limb so badly that he was compelled to cancel his engagements. In 1909, while descending a mountain road in Chittenden, he was thrown from a carriage by runaway horses and his skull was fractured. The fatal accident was due to a defect in the electric system which lighted his home. He arose, apparently, from the bath tub, filled with water, and while standing in it turned the light off, receiving a shock which caused instant death.

From young manhood Mr. Lawrence was a leader among his fellows. In college he was first and foremost in all college activities. He was equally prominent in athletics and in scholarship. He organized a debating society and was a ready and efficient disputant. He was captain of a military company, winner of the prize in declamation, toastmaster at his class banquets, and a member of the Phi Beta Kappa Society. In later life he kept up his qualities of leadership. He spoke during campaigns, took an active part in local politics, attended the conventions of his party and nominated his friends for office. Twice he nominated Dr. John A. Mead for Lieutenant Governor—once in 1904 and again in 1908, when he was elected. He nominated him for the Governorship in 1910 and was his trusted and influential adviser throughout the session of the Legislature following his election. In the practice of his profession Mr. Lawrence was active, studious and successful. He had the necessary qualities for eminent success in trial work and the scholarship essential to the argument of questions of law before the Supreme Court. But it is probable that his tastes and abilities would have dictated a political career had his life been spared and already his friends were looking forward to the time, not far distant, when he would be called to represent his district in Congress.

EDWIN W. LAWRENCE

1881-

Edwin W. Lawrence, son of George E. and Kate C. Lawrence, was born at Rutland, Vt., March 27, 1881. He graduated at the Rutland High School in 1897 and from the University of Vermont in 1901. In college he took high rank and occupied many positions of honor, graduating with the degree of A. B. *cum laude* and becoming a member of the Phi Beta Kappa Society. He studied law in the office of his father and was admitted to the Vermont bar in October, 1902. In

November following he became Assistant Clerk of the Committee on Agriculture in the United States Senate, by appointment of Senator Proctor, who was chairman of the committee. In May following he was appointed Assistant Attorney in the Post-Office Department and discharged the duties of that office until September, 1905, when he was advanced to the position of Assistant Attorney in the Department of Justice, which he held until June, 1906. At that time he severed his connection with the Government and entered the office of Simpson, Bleacher and Bartlett in New York City, continuing therein until September, 1908, when he became special assistant to the Attorney-General of the United States, which place he resigned three months later to become attorney of the Rutland Railroad Company to succeed Judge H. Henry Powers. This place he still occupies and is engaged in general practice with Bert L. Stafford and Asa S. Bloomer in the firm of Lawrence, Stafford and Bloomer. He was admitted to practice before the United States Supreme Court in April, 1906, and while employed as special assistant to the Attorney-General in 1908, made the brief in the celebrated case for contempt, before that court, of the United States v. Joseph F. Shipp, et al. In deciding the case the court followed the claims made by Mr. Lawrence in his able and scholarly brief and imposed sentence on six defendants for their connection with the lynching of a negro at Chattanooga, Tenn., while his case was pending on *habeas corpus* proceedings before the United States Supreme Court. One of the defendants was the Sheriff of the county. The case attracted the attention of the whole country and was unique in the history of our highest court.

In his connection with the Rutland Railroad and its litigation, Mr. Lawrence has met with a large measure of success. A wise, conservative policy has been pursued which has resulted in a decrease in litigation and the promotion of a friendly spirit toward the road on the part of the public. Mr. Lawrence takes an active part in the business of the firm to which he belongs and assists in the trial of important cases outside of his railroad employment. He was elected in 1922 a Senator from Rutland county.

He married October 10, 1904, Florence H. Roby, daughter of Rodney and Harriette Roby of Burlington. There are two children.

PRESENT MEMBERS OF THE RUTLAND COUNTY BAR

William A. Atwell, of Brandon, was born at Johnson, February 8, 1867. He was educated at the Peoples Academy and Johnson Normal School, where he graduated in 1889. He graduated at the Ann Arbor Law School in 1892, studied law with Philip K. Gleed at Morrisville, Otis Kelton at Montgomery, George A. Ballard at Fairfax,

and was admitted to the bar in 1893. He practiced at Bristol, 1893-1894, and has since practiced at Brandon. He has been Grand Juror for fifteen years; has held the offices of Town Agent, Moderator and Selectman; was a member of the House, 1915-1917.

Thomas H. Browne, of Rutland, was born at Rutland, May 26, 1859. He was educated in the public schools of Rutland and studied law in the office of Bradley B. Smalley at Burlington and with Patrick M. Meldon at Rutland. He was admitted in 1899 and has practiced at Rutland. He has been an Alderman for several years and in 1896-1897 was Mayor of Rutland. He was the Vermont member of the Democratic National Committee from 1908 to 1916; has attended all the national conventions of his party since 1906 and spoken in every national campaign since 1896. He was appointed Chinese Inspector by Secretary Carlisle in 1893 and was ordered to New York by Secretary Shaw in 1897, where he remained in the service until the Chinese immigration to this country ended. He has been Referee in Bankruptcy since 1916.

Asa S. Bloomer, of Rutland, was born at Proctor, August 15, 1891. He attended the public schools in West Rutland, graduated at the University of Vermont in 1913 and from the Yale Law School in 1917. He studied law in the office of Lawrence, Lawrence and Stafford in Rutland and was admitted to the bar in 1917. He practiced at Rutland from November 20 to December 18, 1917, when he entered the military service in the war with Germany, in which he remained until January 14, 1919, since which time he has been in practice in Rutland.

William H. Botsford, of Rutland, was born at Vergennes, July 12, 1872. He graduated at the Vergennes High School in 1890 and at Middlebury College in 1898. He studied law with A. G. Stone at Wallingford, with George L. Hasseltine at Bristol, and with Taft and Stobbs at Worcester, Mass. He was admitted to the bar of Massachusetts in 1906 and to the bar of Vermont in 1907. He practiced in Worcester in 1906 and has since practiced at Rutland.

John S. Buttles, of Brandon, was born January 20, 1877, at Troy, N. Y. He graduated at the Brandon High School in the class of 1893, and the University of Vermont in 1897, and at the New York Law School in 1900. He also studied law in the office of Governor Ormsbee at Brandon and was admitted to the New York bar in 1900 and to the bar of this State in 1906. He practiced at Rutland from 1906 to 1915 in company with William H. Botsford and since then has practiced in Brandon. For four years following his admission to the

JOHN G. SAXE

Born in Highgate, Vt., a border town, June 2, 1816. He studied in the St. Albans schools, entered Wesleyan University and at the end of the first year transferred to Middlebury College, from which he graduated in 1839. He studied law in Lewiston, N. Y., and St. Albans and was admitted to the bar in 1843. He practiced law in Highgate, St. Albans and Burlington and was elected State's Attorney of Chittenden County in 1851. He purchased the *Vermont Sentinel* in 1851 and was its editor for several years. He also held the office of Deputy Collector of Customs. In 1859 and in 1860 he was the Democratic candidate for Governor of Vermont. In the forties, Mr. Saxe began to contribute to the *Knickerbocker Magazine,* and in 1849 his first volume of poems was published. He was noted for his humor and was one of the most popular poets of his time. More than forty editions of his poems were published in America and Europe. He was also one of the well-known lecturers of the period. In 1860 Mr. Saxe removed to Albany, N. Y., and later he lived in Brooklyn. In 1841 he married Sophia Sollace of Bridport, Vt., and five children were born to them. Mr. Saxe died in 1887. The State of Vermont has erected a monument at Mr. Saxe's birthplace in Highgate.

Jno Godfrey Saxe

New York bar he was engaged in insurance work in the West and never practiced in New York. He represented Brandon in the House in 1919, and has been Commissioner of Industries since July, 1919.

Oscar H. Bump, of Benson, was born at Wallingford, June 17, 1845, and educated at the public schools of Wallingford and Rutland. He studied law in the office of David E. Nicholson at Wallingford and was admitted in 1866. He has not been in practice before the courts to any great extent, but had an office in Wallingford until 1877 and since then has had an office in Benson. He was Assistant Judge of the Rutland County Court from 1888 to 1905 and was Justice of the Peace for twenty years from 1879.

George A. Brigham, of Rutland, was born at Pittsfield, November 27, 1868. He was educated in the district schools, Montpelier Seminary, and St. Johnsbury Academy. He studied law at the Albany Law School and in the office of F. G. Swinnerton, in the office of George E. Lawrence, and in the office of Edward Dana, at Rutland. He was admitted in 1893. He practiced at Rutland, Pittsfield and Barre, and in 1904 took up the real estate business which he has since followed.

Charles R. Burgess, of Proctor, was born at Proctor, November 21, 1889. He was educated in the Proctor High School and at the Albany Business College, and studied law at the National University, Washington, D. C., where he received the degree of LL. B. He was admitted to the bar of the District of Columbia in 1916 and of Vermont in 1917. He practiced in Washington for a year and since 1917 has practiced at Rutland. From 1911 until his admission to the bar he was an accountant in the Bureau of Chemistry, United States Department of Agriculture. He holds the office of Justice of the Peace.

James A. Clark, of Rutland, was born at Rutland, July 11, 1890; he graduated at the Rutland High School in 1908 and at the Albany Law School in 1911. He studied law in the office of William T. Foley at Rutland and was admitted to the bar in 1912. He practiced at Rutland from 1912 until 1918 and has since been engaged in the War Risk Insurance Bureau at Washington. He was a Justice of the Peace and Assistant City Judge while living in Rutland.

Henry L. Clark, of Castleton, was born at Mount Holly, February 5, 1847. He was educated in the Rutland High School and at Brandon Seminary. He studied law in the office of Edgerton and Nicholson at Rutland and in the office of Cyrenius M. Willard at Castleton and was admitted to the bar in 1870. He practiced at Castleton in com-

pany with Judge J. B. Bromley from his admission until 1899 and since that time has been in practice alone. He was a member of the House in 1884, 1896 and 1906; of the Senate in 1886 and 1910; Railroad Commissioner from 1886 to 1888; Assistant Judge of the Rutland County Court from 1891 to 1896; Register of Probate for the district of Fair Haven from 1868 to 1899 and Judge of the same court from 1899 to date; Town Clerk for thirty-six years.

Ashbel G. Cooledge, of Rutland, was born at Andover, April 29, 1860. He was educated at the Black River Academy at Ludlow, where he graduated in 1881. He studied law with Gilbert A. Davis at Windsor and with Joel C. Baker at Rutland, and was admitted to the bar in 1884. He has practiced only at Rutland. He was Executive Clerk to Governor Ormsbee in 1886-1888; Engrossing Clerk in the Secretary of State's office in 1888-1890; Assistant Secretary of the Senate, 1892-1894; Register of Probate, Rutland district, 1906-1908; Judge of the same court since 1908.

Omeron H. Cooledge, of Rutland, was born in Andover, August 27, 1862. He studied law with Howe and Coolidge at Rutland and was admitted in 1891. He practiced law for three years thereafter at Rutland in the firm of Cooledge and Cooledge, the other partner being his brother, Judge Cooledge, of the Rutland Probate Court.

Edward Dana, of Rutland, was born at Woodstock, May 6, 1852. He was graduated from Middlebury College in 1876, and studied law with Dunton and Veazey at Rutland. He was admitted in 1880 and has always practiced at Rutland. He was special prosecutor by appointment of Governor Pingree and was State's Attorney, 1888-1890.

John S. Dorsey, of Rutland, was born at Plymouth, October 4, 1881. He was educated in the common schools of Plymouth and of Ludlow and graduated at the Black River Academy in 1900; studied two years in Boston University; and graduated at the Boston University Law School in 1914. He studied law in the office of Judge Frank A. Walker at Ludlow and in the office of Thomas W. Moloney of Rutland; admitted to the bar of Massachusetts in 1914 and to the bar of Vermont in 1915; was in practice with Mr. Moloney until his death and since has occupied the offices formerly occupied by him and Judge Butler. He has been City Attorney and Grand Juror.

William H. Dunn, of Rutland, was born at Rutland, May 25, 1877, and was educated at the Rutland High School, Andover Academy, where he graduated in 1896, and Lawrenceville School, where he graduated in 1897. He graduated from the New York Law School

in 1905 and was admitted to the New York bar the same year. He practiced in New York from 1905 to 1910. He was admitted to the bar of Vermont in 1915.

William E. Dever, of Rutland, was born at Brandon, June 20, 1894. He was educated in the Brandon Graded and High Schools and at Holy Cross College, where he graduated in 1915. He studied law in the office of Walter S. Fenton at Rutland and was admitted to the bar in 1919. He has practiced since his admission in the office of Mr. Fenton.

Walter K. Farnsworth, of Rutland, was born at Windsor, November 17, 1870. He was educated in the schools of Chester and Woodstock and studied law in the office of George E. Lawrence in Rutland. He was admitted to the bar in 1898 and has since resided in Rutland. He was Assistant Secretary of the Senate, 1898-1900; Secretary, 1902-1906; Judge of the Municipal Court, 1907-1909.

Walter S. Fenton, of Rutland, was born at Pittsford, July 12, 1886. He was educated in the Pittsford High School and in the Rutland Business College. He studied law in the Law College of Syracuse University and with Shanahan, Costello and Walters of Syracuse and with Charles L. Howe of Rutland. He was admitted to the bar of Vermont and to the United States Circuit Court in 1909. He was a Justice of the Peace, 1908-1914; City Attorney, 1915-1917; member of the House, 1917-1919; Executive Clerk to Governor Clement, 1919-1921.

George M. Goddard, of Rutland, was born at St. Albans, October 24, 1877, and was educated in the grammar schools of Rutland and at the Richardson private school at the same place. He studied law in the office of Lawrence, Lawrence and Stafford and was admitted to the bar in 1914. He has practiced at Rutland since admission and from February 1, 1919, to February 1, 1921, was Judge of the Rutland City Court.

George N. Harman, of Rutland, was born at Rutland, March 18, 1891. He was educated in the public schools of Rutland, the Rutland High School, Phillips Exeter Academy, and the University of Vermont. He studied law with his father, Henry A. Harman, and was admitted in 1917. He has not been in active practice. He has been Rutland County Clerk since August 1, 1916.

Charles P. Harris, of Rutland, was born in Springfield, Mass., July 2, 1852. He was educated in the schools of Rutland and at the

Rensselaer Polytechnic Institute at Troy, where he graduated as a civil engineer. He studied law in the office of Joel C. Baker in Rutland after retiring from the manufacturing business and was admitted to the bar in 1897. He practiced at Rutland for a brief period when ill health compelled him to retire from the work of his profession. He has held many offices in business concerns and in societies of a public and benevolent nature.

Charles L. Howe, of Rutland, was born at Mount Tabor, February 10, 1855. He was educated in the public schools of Mount Tabor and Rutland, and graduated from the New York School of Pharmacy in 1877. He studied law in the office of Joel C. Baker at Rutland and was admitted to the County Court in 1882, to the Supreme Court in 1884, and later to the Federal Court. He was City Attorney, 1895-1898 and in 1903; Judge, Rutland County Court, 1899-1902; Mayor, 1912.

Joseph C. Jones, of Rutland, was born at Granville, N. Y., June 19, 1864. He was educated in the common schools and studied law in the office of William H. Preston at Fair Haven and in the office of George E. Lawrence at Rutland. He was admitted to the bar in 1889 and has always practiced at Rutland. He was State's Attorney in 1892-1896 and in 1908-1910.

Lawrence C. Jones, of Rutland, was born at Rutland, August 10, 1893. He graduated at the Rutland High School in 1912 and entered the Worcester Polytechnic Institute in the fall of 1912 for the study of Mechanical Engineering, but gave this up to study law in 1915. He studied in the office of his father, Joseph C. Jones, was admitted to the bar in 1918 and has since practiced with his father in the firm of Jones and Jones.

Harvey R. Kingsley, of Rutland, was born at Rutland, January 8, 1872. He was educated in the public schools of Rutland, at Morse's Private School, New York City, at Columbia College, where he graduated in 1893, and at Columbia Law School, where he graduated in 1896. He studied in the law office of King and Jessup in New York City, in the office of J. A. Merrill and George L. Rice in Rutland, and was admitted to the bar in 1898. He practiced in New York from 1896 to 1900, and since 1900 has practiced at Rutland. He has been City Grand Juror and School Commissioner; he was Secretary of Civil and Military Affairs to Governor Mead; County Senator, 1919-1920, 1921-1922.

Clayton H. Kinney, of Rutland, was born at Rutland, October 19, 1893. He was educated in the graded and high schools of Rut-

land and studied law at that place in the office of Edwin W. Lawrence. He was admitted to the bar in 1918 and has practiced at Rutland since his admission. He is in practice with John H. Dorsey in the firm of Dorsey and Kinney.

James P. Leamy, of Rutland, was born at West Rutland, January 16, 1892. He was educated at the West Rutland graded and high schools, at Holy Cross College, where he graduated in 1912, and at the Boston College, where he graduated in 1913. He graduated at the Harvard Law School in 1915 and thereafter entered the law office of Marvelle C. Webber at Rutland. He was admitted to the bar in 1916 and has held the office of School Commissioner of West Rutland, and is United States Commissioner for Vermont.

Edward S. Marsh, of Brandon, was born at Brandon, October 13, 1857, and was educated at the Brandon High School, and at Norwich University and Brown University, graduating from the latter in 1879. He studied law in the office of Ormsbee and Briggs in Brandon and with Arnoux, Ritch and Woodford in New York, at the Columbia Law School and at the Boston University Law School, graduating from the latter in 1882. He was admitted to the bar of New York in 1882 and to the bar of Vermont in 1884. He has practiced at Brandon, where he has held only local offices.

Patrick M. Meldon, of Rutland, was born at Rutland, April 20, 1859. He was educated in the public schools of Rutland and at Middlebury College, where he graduated in 1880. He studied law at Rutland with James C. Barrett and with Prout and Walker and was admitted in 1882. He has practiced at Rutland. He has held the following offices: Secretary of the Board of Education of Rutland; City Attorney for five years; Postmaster from 1914 to 1921.

James A. Merrill, of Rutland, was born at St. Johnsbury, February 21, 1863, and was educated in the public schools of Rutland, at Phillips Exeter Academy, where he graduated in 1882, and at Yale University, where he graduated in 1885. He studied law in the office of Lyman W. Redington and James Barrett at Rutland and was admitted to the bar in 1888. He has always practiced at Rutland. He was Rutland City Judge, 1895-1899; he has held the office of United States Commissioner; Superintendent of Schools, Grand Juror and Lister.

George E. Morse, of Rutland, was born at Rutland, April 19, 1888. He was educated at the Lawrenceville School, at Lawrenceville, N. J., where he graduated in 1902, and at Cornell University,

where he graduated in 1912. He studied law in the office of Lawrence, Lawrence and Stafford at Rutland and was admitted to the bar in 1919. Since his admission he has been engaged in practice at Rutland in the firm of Wing and Morse.

Edmund R. Morse, of Rutland, was born in Rutland, May 4, 1858, and was educated in the Rutland schools and at Cornell University, where he graduated in 1879. He studied law in Rutland in the office of James Barrett, Jr., and that of Prout, Simons and Walker, and was admitted in 1882. He has never practiced, but has spent his life in the employment of the Vermont Marble Company, in which he has been treasurer and director for many years. He represented Proctor in the House in 1896, was delegate to the Republican National Convention in 1916, and since the organization of the Federal Reserve Bank has been a director therein. He is also a director of the Rutland Railroad Company.

Charles E. Novak, of Rutland, was born at Rutland, November 7, 1890. He was educated at the Rutland High School, studied law in the office of Ernest H. O'Brien at Rutland and was admitted to the bar in 1914. Since his admission he has practiced at Rutland, where he held the office of City Grand Juror, 1915-1918. He was elected State's Attorney of Rutland county in 1920.

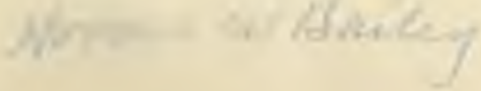
Learned R. Noble, of West Rutland, was born at Tinmouth, July 9, 1871. He was educated in the public schools, at the State Normal School at Castleton, where he graduated in 1892, at the Rutland English and Classical Institution, where he graduated in 1897, and at Middlebury College, from which he graduated in 1903. He studied law in the office of Lawrence and Lawrence at Rutland and was admitted to the bar in 1909. He has practiced at West Rutland. He was a member of the General Assembly from West Rutland in 1921.

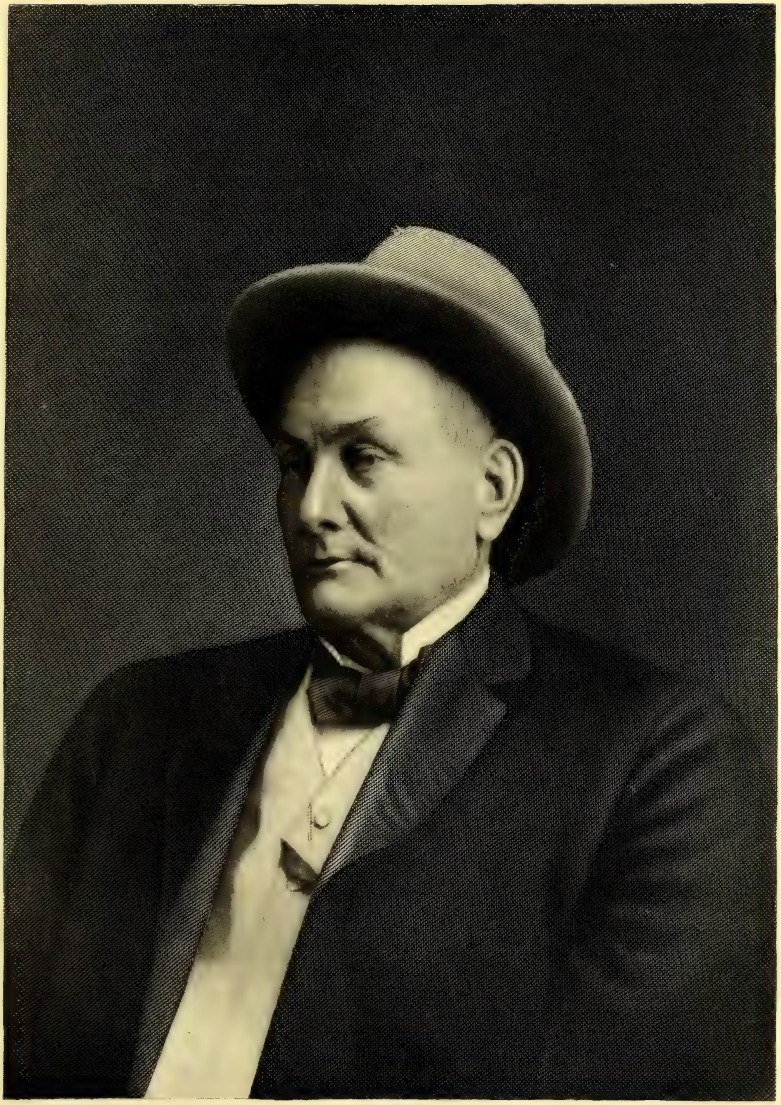
Philip M. M. Phelps, of Fair Haven, was born in that town, June 12, 1886. He graduated at Cushing Academy, Massachusetts, in 1907, attended the Chicago Law School for one year and graduated at the Albany Law School in 1910. He studied in the office of William H. Preston at Fair Haven and was admitted to the bar in 1910. He has practiced in Fair Haven since 1912 and is a partner of Judge Pratt in the firm of Phelps and Pratt. He was a member of the House in 1915, and from 1919 to 1921, State's Attorney of Rutland county.

Leo E. Pratt, of Fair Haven, was born in Moriah, N. Y., May 16, 1887, graduated from the Vergennes High School in 1907, from

HORACE WARD BAILEY

Born in Newbury, Vt., January 16, 1852. He studied at Newbury Seminary and in his early years worked on his father's farm. For several years he was employed as a hotel clerk. He entered business for himself in 1880, operating a grist mill and later a grocery and feed business. He spent much time as an administrator of estates, in which he was successful. He was a director of the Citizens' Savings Bank and Trust Company of St. Johnsbury and a trustee of Bradford Savings Bank and Trust Company. In 1894 he was elected a Senator from Orange county and in 1902 was elected a member of the House of Representatives and he became one of the leaders of the House. He served as State Fish and Game Commissioner from 1894 to 1900 and State Railroad Commissioner in 1902-03. In 1903 he was appointed United States Marshal, which position he held until his death, January 6, 1914. He was a member of the Lake Champlain Tercentenary Commission. He contributed frequently to Vermont newspapers and was the author of many historical articles. He was a man of genial personality, a forceful public speaker, a ready writer and an authority on Vermont historical matters.





Horace W Bailey

the Portland Business College in 1908, and from the Albany Law School in 1910. He studied law in the office of Pyrke and Dudley at Port Henry and was admitted to the bar of New York in 1912, practicing in the above office until 1913, when he removed to Fair Haven and formed a partnership with Philip M. M. Phelps. He was admitted to the bar of this State in 1914. He has been Judge of the Fair Haven Municipal Court since July, 1915.

Frank C. Partridge, of Proctor, was born at East Middlebury, May 7, 1861, and graduated at the Middlebury High School in 1877 and at Amherst College in 1882. He studied law at Columbia Law School, where he graduated in the class of 1884. He was admitted to the bar in 1885, and practiced at Rutland, 1894-1897. He has not been in active practice since 1897, but has been employed at Proctor by the Vermont Marble Company. He was first vice-president and after the death of Governor Proctor, president. He was Solicitor for the Department of State at Washington, 1890-1893; Envoy Extraordinary and Minister Plenipotentiary to Venezuela, 1893-1894; Consul General to Tangier, Morocco, 1897-1898; member of the State Senate, 1898-1900; chairman of the committee to propose amendments to the State Constitution, 1909.

Camille V. Poulin, of Rutland, was born at Rutland, July 5, 1888. He was educated in the high school of Rutland City. He studied law at the Albany Law School and was admitted to the bar in 1911. He has practiced at Rutland since his admission. He was Official Reporter of the Vermont Senate in 1908, and State's Attorney, 1914-1918.

William H. Preston, of Fair Haven, was born at Fair Haven, March 29, 1859. He was educated at the Fair Haven High School and at Pine Grove Academy, studied law in the office of George M. Fuller at Fair Haven and was admitted to practice in the County Court in 1883 and to the Supreme Court in 1886. He has practiced at Fair Haven and Rutland. He has been Town Clerk of Fair Haven for thirty years; State's Attorney, 1890-1892, 1902-1904; member of House, 1894; Senator, 1912.

Edward D. Raymond, of Fair Haven, was born in Bridgewater, June 8, 1868, and was educated in the common schools, at St. Johnsbury Academy, where he graduated in 1886, and at Amherst College, where he graduated in 1890. He studied law in the office of Enright and Blanchard at Windsor and was admitted in 1897. He located at Fair Haven in 1898 and has practiced there since. He has been

school director and has held several town offices. He is a member of the Amherst alumni council, and is director of several corporations.

Martin P. Riordan, of Rutland, was born at East Albany, October 9, 1869, and was educated in the public schools of Albany, at Goddard Seminary, and at St. Joseph's College, where he graduated in 1889. He studied law in the office of Justice Willard W. Miles at Barton and was admitted in 1892. He practiced from admission until 1898 in Barton and from 1898 until 1908 in Rutland, where he held the office of City Grand Juror. Since 1908 he has been engaged in insurance work as a special traveling representative.

Willis M. Ross, of Rutland, was born at Poultney, May 8, 1863, and was educated at Troy Conference Academy and at Middlebury College, where he graduated in 1886. He studied law in the office of Edward Dana in Rutland and at the Columbia Law School, was admitted to the bar in 1890 and has since resided in Rutland. He was Judge of the Rutland City Court, 1903-1907.

William H. Rowland, of Poultney, was born at Fair Haven, December 5, 1852. He was educated in the common schools and at the Castleton Seminary. He studied law in the office of George M. Fuller at Fair Haven and with Beeman and Platt at Poultney; was admitted to practice in 1879 and has remained at Poultney. He has been Town Clerk since 1884, with the exception of two years; Representative to the House in 1884, 1886, 1900 and 1910; Senator, 1904-1906; State's Attorney, 1896-1898.

Lindley S. Squires, of Rutland, was born at Rutland, April 22, 1890. He was educated in the district schools of Pittsford, at the Rutland High School, where he graduated in 1910, and at Middlebury College. He studied law in the office of Charles L. Howe at Rutland and was admitted to the bar in 1917. He has practiced at Rutland since his admission. He was doorkeeper of the Vermont Senate at the session of 1917.

Bert L. Stafford, of Rutland, was born at Tinmouth and was educated at the high school of Wallingford, the Rutland Institute, and Middlebury College, from which he graduated in 1901. He studied law in the office of Lawrence and Lawrence at Rutland and was admitted to the bar in 1906. He has practiced at Rutland since admission and is a member of the firm of Lawrence, Lawrence and Stafford. He represented Tinmouth in the House in 1906, and was Mayor of Rutland in 1915-1917. He is a trustee of Middlebury College.

Bert H. Stickney, of Rutland, was born at Plymouth, December 21, 1876. He was educated at the Rutland High School and at Phillips Exeter Academy, and studied law in the office of James A. Merrill in Rutland and in the office of Edward Dana in the same place. He was admitted to the bar in 1900 and has since been in practice at Rutland. He was Captain of Co. A, First Vermont, 1900-1903; City Grand Juror; Justice of the Peace; Fish and Game Warden, 1905-1908.

James E. Sennett, of Poultney, was born at Dorset, May 13, 1878, and was educated in the common schools of Wells, Troy Conference Academy, Westbrook Seminary, Maine, and Tufts College. He studied law with John Gilroy, at Granville, N. Y., and with King and Angell at Glens Falls. He was admitted to the bar of New York in 1906 and to the bar of Vermont in 1909. He practiced at Glens Falls from 1906 to 1909 and since has practiced at Poultney.

Frederic G. Swinnerton, of Rutland, was born at Leicester, December 14, 1849. He was educated in the public schools and at Middlebury College, where he graduated in 1875. He studied law with Prout and Walker at Rutland and at the Harvard Law School, where he graduated in 1878. He was admitted in 1878 and practiced at Rutland until 1918. In 1886-1887 he was a partner of Aldace F. Walker in the firm of Walker and Swinnerton. He was City Attorney, 1885-1886; Judge of the Rutland City Court, 1909-1919; chairman of the Republican District Committee since 1898.

Frank D. White, of Rutland, was born in Londonderry, April 6, 1863. He was educated at the Rutland Graded School, Vermont Academy, and Brown University, graduating from the latter in 1887. He studied law in the office of Butler and Moloney at Rutland and at the Albany Law School, graduating from the latter in 1890. He was admitted in 1890 and has since resided at Rutland. He was clerk of the City Court in 1890; Reporter of the House in 1890 and 1892; Senator, 1894; Presidential Elector, 1896; member of House, 1900.

Frank W. Williams, of Brandon, was born at Brandon, September 13, 1873. He was educated in the public schools of Brandon and studied law with Governor E. J. Ormsbee and at the Catholic University of America at Washington, D. C. He was admitted to the bar in 1899 and has since practiced at Brandon.

Leonard F. Wing, of Rutland, was born at Ira, November 12, 1894. He was educated in the public schools of Ira and Rutland

and graduated at the Rutland High School in 1914. He studied law in Rutland in the office of Lawrence, Lawrence and Stafford and was admitted to the bar in 1917. He has practiced in Rutland since January 1, 1919, when he formed a partnership with George E. Morse under the name and style of Wing and Morse. He is City Attorney and corporation counsel for the city of Rutland. He enlisted in the late war in 1917 and graduated from Fort Oglethorpe and received a commission as First Lieutenant in the infantry. From August, 1918, until December of the same year he was stationed at Camp Wheeler, Georgia, where he served as the Trial Judge Advocate of all the general and special courts-martial in that camp. He was appointed Judge of the Rutland City Court, February 1, 1921.

WASHINGTON COUNTY

WASHINGTON county of the present day is not the first Vermont county of that name. When the new State was annexing parts of New Hampshire and New York in 1781 the Vermont Legislature established a county to which the name of Washington was given from the towns it had annexed east of the Connecticut River. That county had for its northerly towns Claremont, Newport, Unity and Wendall; but when the forty-five New Hampshire towns were restored, February 21, 1782, to their own State, this Washington county ceased to exist.

From the organization of Chittenden county in 1787 to December 1, 1796, Washington county towns were divided among three counties, and from December 1, 1796, to December 1, 1811, the present territory was in four counties; the towns of Barre, Berlin, Northfield and Roxbury being in Orange county; Cabot, Calais, Marshfield, Montpelier, Plainfield and Woodbury, in Caledonia; Duxbury, Fayston, Middlesex, Moretown and Waitsfield being in Chittenden; and Warren in Addison.

On November 1, 1810, Jefferson county was incorporated and a committee appointed to designate the place of building a jail and court house. The new county was established by the acts of the session of 1811. One of these acts fixed the place for holding courts at Montpelier. The territory embraced in Jefferson county was nearly that of the present county of Washington. In 1814 an act was passed changing the name of Jefferson to Washington.

The courts were held first in the hall of the State House. In 1817 a committee was appointed to build a court house near the northwest corner of the State House Common. This court house was thirty-four feet wide and and forty-eight feet long. The court room was thirty-three by thirty-four feet, arched above, and twenty-one feet between joints. The court house was completed in 1818 and occupied that year. This building was removed in 1837 to the place it now occupies, east of the Pavilion Hotel. It continued to be used as a court house until the fall of 1843, after which it was used for a time as a Catholic church, and of late years has been the residence of the priest in charge of St. Augustine's Church.

In 1843 a new brick court house was erected on Elm Street and partly on the site of the present court house. It was burned the same year. Court was then held in the Masonic Hall. The property on the corner of State and Elm Streets, where the present county buildings stand, was procured by subscription, and when a new court house was erected it was made to front on State Street. In 1879 an addition to this court house was built and the old part of the house remodelled.

May 25, 1880, the court house was burned, but the walls were left standing. The same year it was rebuilt in its present form. A large, modern jail to the east of this takes care of the county's needs in this regard.

Courts are held on the second Tuesday in March and September.

WILLIAM UPHAM

1792-1853

William Upham, for ten years United States Senator, was born at Leicester, Mass., August 5, 1792, the son of Capt. Samuel Upham, who moved to Vermont in 1802, and settled on a farm in Montpelier. The loss of a hand unfitted William for farm labor. He spent a few terms at the old academy at Montpelier, was privately tutored for a time and was for a brief period a student at the University of Vermont. Then he studied law with Judge Samuel Prentiss at Montpelier and was admitted to the bar in 1811. For a few years he practiced in partnership with others, but mainly was alone during thirty years of active professional work following his admission. He shunned politics for a long time, but in 1827-28 and 1830 represented Montpelier in the Legislature. He became an ardent sympathizer with the Canadian rebellion of 1838, and two years later he plunged actively into politics and stumped nearly the whole State for Harrison. The fruit of this experience was an enthusiastic personal following, which in 1842 made him United States Senator to succeed Senator Crafts. He was once re-elected and died during his second term.

He was an ardent Whig; he voted for the Wilmot Proviso, the bill to establish territorial governments in Oregon, California and New Mexico, and was an earnest advocate of a protective tariff. He opposed the compromise measures of 1850 and on this subject, the Mexican War and the tariff delivered able speeches in the Senate.

At a bar of great lawyers Senator Upham was a foeman worthy of the best of them. As a jury advocate he was one of the best Vermont has produced. He has been compared to Choate in the fiery impetuousness of his eloquence, though lacking the latter's poetic fancy. He was masterful in statement, biting in sarcasm, and full of nervous energy. He kept carefully out of politics until his reputation was made at the bar, holding to the doctrine that "the law is a jealous mistress." In the Senate he studied his subject exhaustively and then in an effective manner marshalled his facts and arguments. His speeches were marked by research, earnestness, ability and patriotic devotion.

PAUL DILLINGHAM

1799-1891

Paul Dillingham, father of William P. Dillingham, United States Senator from Vermont, was born at Shutesbury, Mass., August 10, 1799. He died at Waterbury, Vt., July 26, 1891. For sixty-eight years he practiced law. His father was a soldier in the Revolution and his grandfather was a soldier in the French War and fought under General Wolfe. In 1805 the parents of Paul Dillingham brought him to Waterbury, this State, and here he attended the district school. Later he attended the Washington County Grammar School at Montpelier and in 1820 began studying law with Dan Carpenter at Waterbury. He was admitted to the bar in Washington county at the March term, 1823. He represented this town in the Legislature in 1833-34-37-38-39; was State Senator in 1841, 1842 and 1861; State's Attorney in 1835, 1836 and 1837; a member of Congress from March 4, 1843, March 4, 1847; was Lieutenant-Governor, 1862-64, and Governor in 1865-66, and as his biographer says of him, "for more than fifty years drew tears and verdicts from juries."

He was a member of the Washington county bar in the days of Lucius B. Peck, Timothy P. Redfield, Stoddard B. Colby and other lawyers who were possessed of superior ability but he crowned them all in his capacity as a jury advocate. After a good deal of study of the lawyers of Vermont it seems to me that he was our greatest advocate. It is interesting to note the characteristics that made him famous. He possessed, in the first place, an exceedingly fine presence. He had a commanding figure; he was fully six feet tall and weighed over two hundred pounds. His figure was well rounded but not corpulent; his step elastic and his bearing kindly; he was warm-hearted, frank and manly; he had that fascinating address which invited respectful familiarity and cordial friendship. There was a dignified simplicity, too, about him that attracted attention. His eyes beamed with sympathy and kindness, and his gestures, movements and address were natural, easy and unaffected; his voice was musical and sweet as a flute in its lower cadences, but rang like a bugle in passion or excitement. Added to these qualities was an endowment of excellent health and happy, genial temperament. Not a plodder in the books but a genius in brilliant conceptions, glittering generalities, happy conceits, apt illustrations and appropriate anecdotes, he would compel an audience to stand upon its feet by the hour to listen to his eloquence. He was a good lawyer out of court as well as in it, and knew how to advise his clients and what remedy to recommend. He was not a special pleader but he reached results in a practical and sensible manner. In his old age his biographical sketch was read to him by Senator Dilling-

ham. It was from the pen of Mr. Fifield and was an attempt to analyze his wonderful power over juries. After it was finished he turned to his son and said: "Well, they all overlooked one thing, and that is that I had some common sense, and used some judgment."

As a citizen, legislator and Chief Executive he was likewise distinguished. He was a devoted member of the Methodist Church and a great Bible student. He was accustomed to discuss the Scriptures in the weekly meetings and these discussions were gems of religious thought and expression.

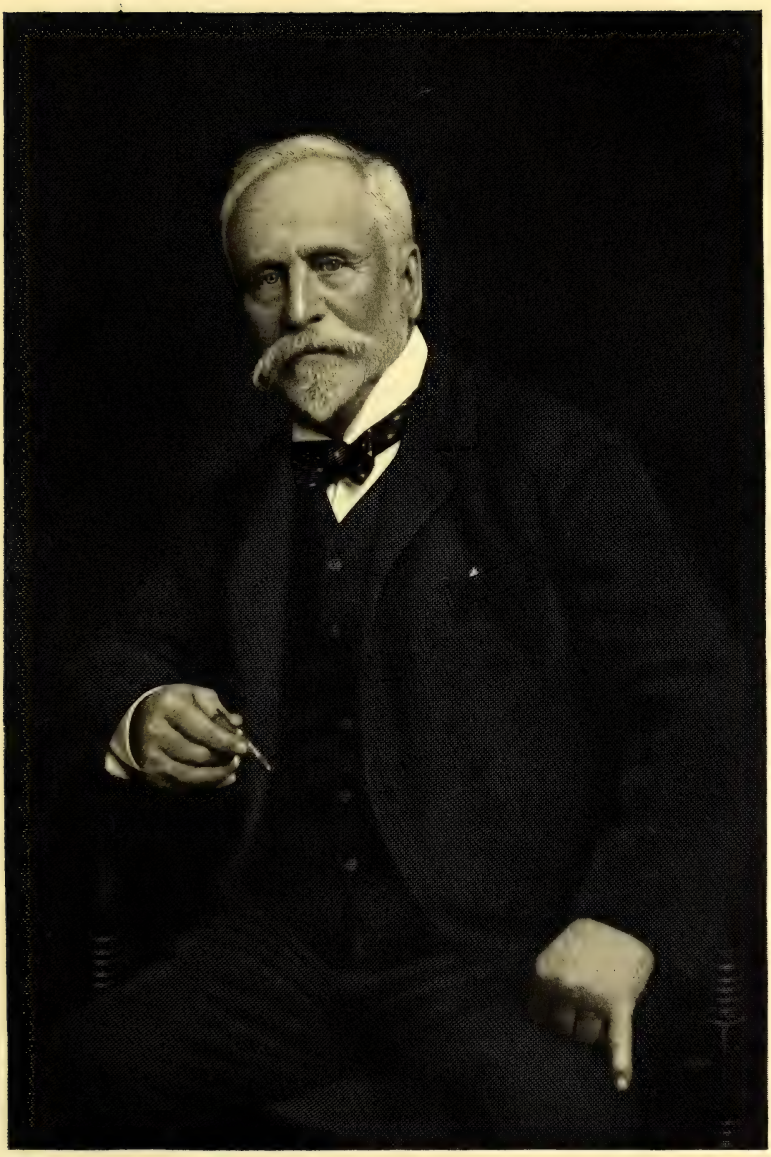
LUCIUS B. PECK

1802-1866

Lucius B. Peck was born at Waterbury, Vt., in October, 1802. He lived there until he was nineteen years of age, when, having finished a preparatory course, he was admitted as a cadet to the Military Academy at West Point, July 1, 1822. At the end of one year he was compelled to resign on account of ill health, and the following year, being restored to health, he entered the law office of Judge Samuel Prentiss as a student. After one year he left this office and resumed study in the office of Denison Smith, at Barre. He was admitted to the bar in 1825 at the September term of the Washington County Court. He formed a partnership at once with Mr. Smith, who was then late in life, and the work of a large clientage fell upon Mr. Peck. In this he was eminently successful and soon was in the full tide of practice in Washington and Orange counties. At this early time he represented Barre in the Legislature. In 1827 Mr. Smith died and soon after Mr. Peck removed to Montpelier, where he continued to practice until his death. Governor Paul Dillingham, Senator Upham and Andrew Tracy practiced there, all men of exceptional ability. These men found their match in the cool, deliberate, mental power of Mr. Peck. He was slow, deliberate and argumentative but his discourse was intended to instruct the understanding and convince the mind. His statement was candid and fair and sure to eliminate truth from falsehood. From 1830 to 1845 he did not mingle with politics. These were the happiest years of his life. In the latter year he took an active interest in politics and from 1847 to 1851 represented his district in Congress, where he formed the acquaintance of such men as Daniel S. Dickenson and Governor Marcy, with whom he was on intimate terms. While he was reasonably successful in his congressional career, the law was his delight and it was a happy time for him in 1852 when he returned to the practice in Montpelier. There were few large suits in Vermont after this time in which he was not en-

LARKIN G. MEAD

Born in Chesterfield, N. H., January 3, 1835. His parents removed to Brattleboro while he was young. After studying in the village schools, at the age of fifteen he became a clerk in a hardware store. He developed a love for art and on the last night of the year 1856, aided by his sister, Eleanor (afterward Mrs. W. D. Howells), he modeled a colossal statue of The Recording Angel in snow. This statue was photographed and the newspapers of the country gave wide publicity to the achievement. He studied drawing and sculpture in Brooklyn and later went to Italy, where he was attached to the United States Consulate at Venice. He made his home in Florence. He executed many notable statues, two of Ethan Allen, one of Abraham Lincoln, numerous groups, and the pediment over the main entrance to the Agricultural Building at the World's Columbian Exposition at Chicago. He died October 15, 1910.



Larkin G. Mead.

gaged. He was United States District Attorney under President Pierce; was twice nominated for Governor. He declined being candidate for Judge of the Supreme Court on account of ill health. From 1859 to his death he was President of the Vermont and Canada Railroad.

Mr. Peck was about five feet ten inches in height and weighed one hundred and forty pounds. His carriage was erect and his movement slow and dignified; he had an intellectual face. He was fastidious in dress and his manner showed good breeding. He was careful, painstaking, thorough and very able in his work in County Court, but it was in the Supreme Court that he excelled. Here he was regarded by the court as the model lawyer of the State and no one helped the court as much as he. He died at Lowell, December 28, 1866.

HEMAN CARPENTER

1811-1884

Heman Carpenter was born at Middlesex, Vt., July 10, 1811, and died at Northfield, January 16, 1884. His father was Nathaniel Carpenter, who came of Connecticut ancestry. He settled on the Winooski River between Montpelier and Middlesex, where he became the arbiter of local disputes and was the trial justice of that vicinity for thirty years. Heman was educated in the district schools and in the Washington County Grammar School of Montpelier. His father declined to aid him in procuring an education and to raise funds to attend the grammar school he taught in the district schools, where he became known as a skilful and valuable teacher. In 1832 he was appointed State Librarian, which position he held until 1837. During his occupancy of this office the books were removed from the old to the new State House and were catalogued and numbered. He studied law with William Upham and was admitted to the bar in Washington county in 1836. In the same year he located at Northfield, where he practiced his profession until his decease. He was widely known as a jury lawyer, had a large docket in Washington, Orange and Windsor counties and was not a stranger in the courts of Caledonia, Lamoille and Chittenden counties. In 1847 he was elected a Representative from Northfield to the Legislature and was returned in 1848. At the latter session he was instrumental in procuring the passage of the first homestead law. From 1848 to 1850 he was Judge of Probate for the District of Washington. He was State's Attorney for the years 1865-66 and State Senator in 1870-72. He was one of the delegates to the first Republican National Convention and usually a delegate at the State conventions of his party. When in 1870 he was made permanent

chairman of the State convention he announced on taking the chair that this was the fourteenth State convention of his party that he had attended. Mr. Carpenter was devoted to the cause of education, was one of the founders of Goddard Seminary at Barre and for several years its president; a benefactor of the University of Vermont, which conferred a degree upon him in 1860; a trustee and earnest supporter of Norwich University and the founder of the Northfield institution which was later merged in the Northfield Graded School. With Governor Paine he was largely instrumental in building the Vermont Central Railroad.

As a lawyer Mr. Carpenter excelled as an examiner and cross examiner of witnesses. He was also more than an ordinary advocate. He gave legal advice, even to strangers, without retainer and usually urged terms of settlement between litigants. He was industrious, earnest and faithful in his client's cause, never tiring, never despairing, aggressive, bold and persistent.

BENJAMIN FRANKLIN FIFIELD

1832-1918

Benjamin Franklin Fifield was born in Orange, Vt., November 18, 1832, being the son of Col. Orange Fifield, who was the son of Col. Samuel Fifield, one of the early settlers in that town and an extensive property holder therein. The family is of Scottish descent, and the family name is understood to have been originally a union of the name of County of Fife in Scotland, with the name of Field. Mr. Fifield's ancestors emigrated to the Massachusetts Colony in 1634. His lineage in America is a notable one. On the maternal side he was descended from the Adamses of Massachusetts, his grandmother's maiden name being Lucy Adams, she being in direct line of descent from Henry Adams, who came to this country about 1629, and who was the common ancestor of the Adams family. On the other hand, Samuel Adams, the Revolutionary patriot, was the son of Samuel and Mary (Fifield) Adams, the latter being in direct line of descent from William Fifield, the common ancestor of the Fifield family. His great-grandfather Fifield was an officer in the Revolutionary War and was the second man over the British entrenchments at the battle of Bennington. His grandfather's brother, Colonel Edward Fifield, commanded a regiment in active service in the War of 1812. Mr. Fifield's father having moved to Montpelier, Benjamin F. fitted for college there, and at the Plattsburg (New York) Academy. He graduated with credit from the University of Vermont in the class of 1855. Selecting the law as a profession he pursued his legal studies in the office

of Peck and Colby, in Montpelier, the members of which were Lucius B. Peck and Stoddard B. Colby. In 1858 he was admitted to the bar in Washington county, and commenced practice in Montpelier where he resided thereafter. Following his admission to the bar he became associated with the firm of Peck and Colby, and when Mr. Colby removed to Washington in 1864 to become Register of the United States Treasury, Mr. Fifield formed a partnership with Mr. Peck. This continued until the death of the latter in 1866, when Mr. Fifield succeeded to the business of the firm. From his admission to his retirement from active practice in 1900, he devoted himself assiduously to his profession. In 1869 he was appointed by President Grant United States Attorney for the District of Vermont and received consecutive reappointments until 1880 when he resigned the office on account of his election as representative to the Legislature from Montpelier. During his term of office he prosecuted General O'Neill and other leaders of the Fenian raid in 1870 and they were convicted of violation of the neutrality laws. He was a staunch Republican in politics. In August, 1880, he delivered a speech on the political issues of the day, the vigorous and effective character of which was at once recognized, and two editions of five thousand copies each were printed by direction of the Republican State Committee and circulated throughout the State. The speech attracted no little attention outside of Vermont on account of the publication and circulation of one million copies by the Republican National Committee throughout the North. It was an exceedingly trenchant description of the then political conditions and national perils, attractive in presentation as a romance, and convincing as naked truth itself. Throughout the campaign the Democratic orators pecked at the arguments contained in the speech, but were not able to dislodge them.

In the Legislature Mr. Fifield was Chairman of the Judiciary Committee and was an influential member in a body of many strong men.

In 1884 he was a delegate to the Republican National Convention and in the same year delivered a powerful address as President of the Vermont Bar Association, in which he urged that the tenure of the Judges should be during good behavior. In 1898 he was elected a trustee of the University of Vermont, in which capacity he served with keen interest until 1909, when he declined to hold the place longer. In 1904 he was elected Governor of the Society of Colonial Wars for one year, and in 1906 the University of Vermont conferred on him the degree of LL. D.

As a railroad and corporation lawyer he stood for years at the head of his profession in Vermont. In 1869 he became counsel and confidential adviser of the Vermont Central Railroad Company, and of the receivers of that company and its successor, the Central Ver-

mont Railroad Company, and continued to March, 1899. The Vermont Central and Vermont & Canada roads were placed in the hands of receivers in 1856, and the receivership was continued until 1883, a period of twenty-seven years, a thing unprecedented in judicial annals. A large receivers' debt, amounting in bonds to $5,000,000 and a floating debt amounting to about $3,000,000, had been incurred, and when the floating debt went to protest in 1872, the validity of all this debt and its priority of lien over the Central Vermont first and second mortgages and the stock of the Vermont & Canada Railroad, which was a leasehold estate, as well as the legal relations of the receivers to the road, were contested, and out of it grew the most extraordinary litigation ever known in this country. The principal case was commenced in 1873 for the enforcement of the receivers' debts. It was brought in the State Court, and went to the Supreme Court three times before a final decision was reached in 1882. This litigation resulted in manifold entanglements, which called for the skill of the wisest counsel. Mr. Fifield was the responsible counsel and made the principal arguments. Opposed to him were Edward J. Phelps, Aldace F. Walker, F. A. Brooks of Boston and a large number of other counsel. Mr. Fifield was finally sustained on all the substantial questions involved when the litigation came to an end in 1883, and a re-organization of the road took place, leaving his clients in control. During his entire connection with the Central Vermont Railroad for thirty years, no important action was ever taken without his advice, and during that period he established the most important of the rules governing the practice in receivership cases which have been followed in this country since that time.

Mr. Fifield ranked as a lawyer in the same class with Lucius B. Peck, and Andrew Tracy of the last generation of Vermont lawyers, and with Edward J. Phelps and George F. Edmunds of the later generation.

In 1899 he was appointed by Gov. Edward C. Smith United States Senator to fill the vacancy caused by the death of Senator Morrill. It is an office very rarely declined, and no one doubts Mr. Fifield would have filled it with high ability had he accepted it, but Mrs. Fifield was at the time approaching the fatal end of a protracted illness, and on account of her critical condition he declined it. Had he gone to Washington at the time he would undoubtedly have taken rank with Edmunds and Morrill in the Senate. Upon the death of Mrs. Fifield in March, 1899, he severed his connection with the railroad and relinquished all professional and public engagements. He was not in active practice afterward, although he was frequently called on for opinions in important and complicated cases. For thirty years Mr. and Mrs. Fifield resided in their handsome home on State Street, and dispensed a graceful and generous hospitality. Their home was a model

of domestic felicity and elegance. Mrs. Fifield was refined and accomplished and a favorite wherever she was known. Mr. Fifield was scholarly and fastidious in his tastes and habits, and was much devoted to his family.

After his retirement from practice he spent his leisure with the books, for which he had an elegant taste, and with friends who had become endeared to him. He kept in touch with the affairs of the day and exercised a quiet influence in the community and profession.

On January 4, 1865, he married Lucy, daughter of Erastus Hubbard of Montpelier. Three daughters were born to them. The eldest, Fanny F., was born November 27, 1865. On the 26th of October, 1889, she was married to Burnside B. Bailey. The second daughter, Arabella B. was born February 14, 1870. October 17, 1895, she married Julius F. Workum. They reside in New York City. Ellen Lamb, the youngest daughter, was born October 20, 1875. She married Carlisle J. Gleason, October 18, 1902, and they reside in New York City.

Mr. Fifield died at Montpelier July 23, 1918.

HIRAM A. HUSE

1843-1902

Hiram A. Huse, son of Hiram Sylvester and Emily Morgan (Blodgett) Huse, was born at Randolph, Vt., January 17, 1843. From 1845 to 1868 the family lived in Wisconsin; here Hiram pursued his studies in the public schools and seminaries. Previous to 1860 he taught district school for several years and that year returned to Randolph, where he completed his college preparatory studies. In 1861 he entered Dartmouth College, from which he graduated in 1865, having in the meantime served in the army. After his graduation he attended the Albany Law School, where President McKinley was a classmate, and was admitted to the bar in 1867. He practiced his profession for a few months in Wisconsin but returned in 1868 to Randolph. Prior to 1872 he was for a time assistant under Principal Edward Conant in the State Normal School at Randolph. In 1872 he removed to Montpelier and entering the law office of Heaton and Reed began to practice his profession. During the next few years his time was divided between his practice, service in the State Library, of which Mr. Reed was custodian, and editorial writing on the *Green Mountain Freeman*. In 1873 he was appointed State Librarian, a position which he held until his death. From 1876 for two years he was a law partner of William A. Lord. In 1878 he was the representative from Montpelier in the Legislature, and in 1882-4 State's Attorney for Washington county. In 1883 he formed a partnership with Clarence H. Pitkin,

which lasted seven years. In October, 1890, the law firm of Dillingham and Huse was formed, which was later enlarged by the admission of Fred A. Howland, the firm then being known as Dillingham, Huse and Howland, and continuing until the death of Mr. Huse. The senior member of this firm was Senator William P. Dillingham.

Mr. Huse had a much broader life than is given to most lawyers, having been a teacher, newspaper writer, historian and librarian; but the law was his ambition and his destiny. His preparation in this was painstaking and comprehensive. He was fortunate in his association in early practice with Mr. Heaton and Mr. Reed. Mr. Reed was a fine lawyer and a great book lover. He and Mr. Huse came to have a warm attachment for each other and a common ambition to build up a State Library worthy of Vermont. Mr. Huse had the satisfaction of seeing his service of thirty years rewarded in the growth of the library from thirteen thousand to forty-two thousand bound volumes, and he left it rich in American and English reports, in digests, encyclopædias, elementary treatises, statutes and public documents, and particularly in Vermont historical matter.

Mr. Huse had a great fund of information on Vermont history. He was a walking depository of knowledge, covering different fields and many subjects. Facts and dates once lodged in his mind abided there and he was in constant demand by searchers for information both in Vermont and from outside, and no one ever sought him in vain. He patiently listened to those who came and never sent any away empty-handed.

In the law Mr. Huse was an able counsellor. He searched thoroughly for the truth and thought out well all questions before advising clients or putting his points on paper for the Supreme Court. Perhaps in this court he was the most successful, for he stated his propositions tersely, and argued his case convincingly. He was very sure of his position and not quite convinced he was wrong when the court sometimes decided against him. In jury trials he was an excellent general, as he was in politics, and he could examine witnesses brilliantly and argue a case ably. His place, however, in a trial when associated with other counsel, was to advise as to the admission or rejection of evidence, as to the law of the case, and as to its general conduct. He was delightful as a companion, his integrity was unsurpassed, his helpfulness never ceasing.

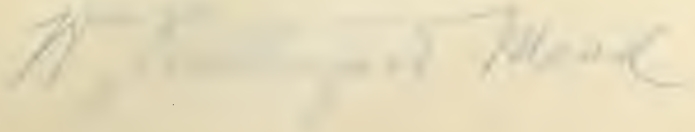
WILLIAM P. DILLINGHAM

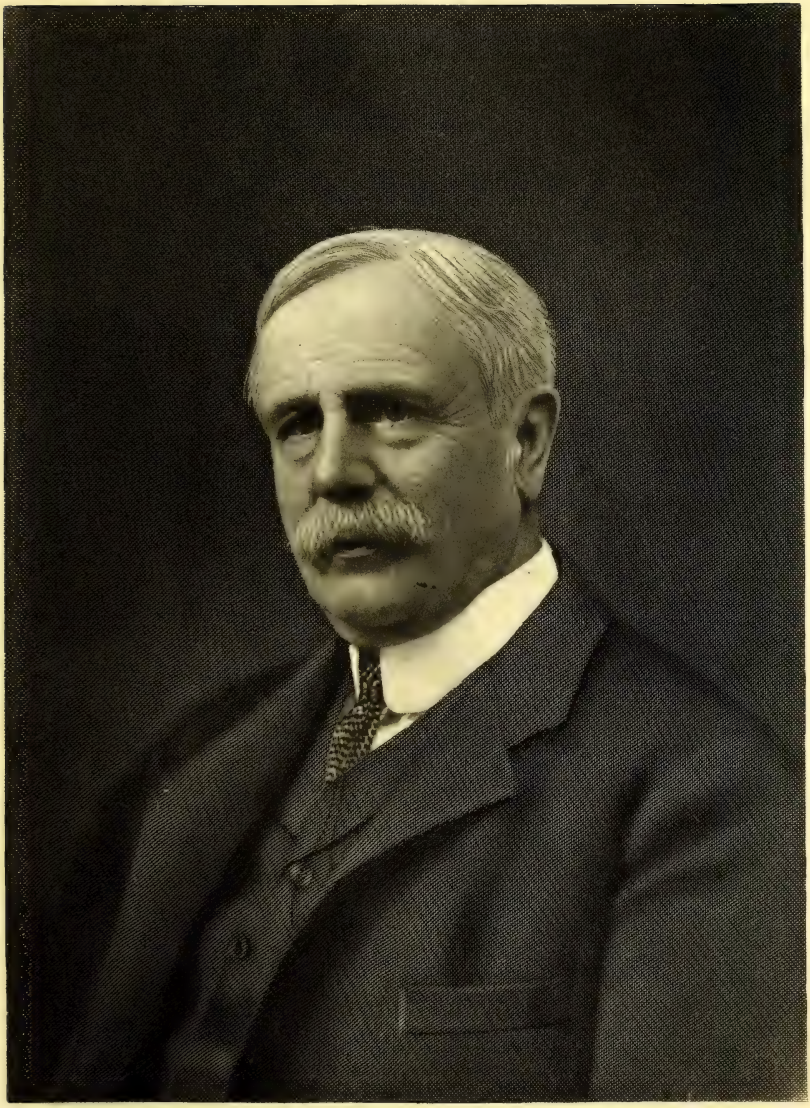
1843-

William P. Dillingham, son of Gov. Paul and Julia (Carpenter) Dillingham, was born at Waterbury, Vt., December 12, 1843. He began his education in the common schools of his native village and com-

WILLIAM R. MEAD

Born in Brattleboro, Vt., August 20, 1846, and graduated from Amherst College in 1867. He studied architecture in New York and in Europe. He became a member of the architectural firm of McKim, Mead and White, in recent years one of the most famous firms in America. Among the structures designed by the firm are Madison Square Garden, the Rhode Island Capitol, the buildings of the New York Herald and the New York Life Insurance Company, and the Agricultural and New York State buildings at the Columbian Exposition. The firm are architects for Columbia University, the University of the City of New York, the University of Virginia and the Boston Public Library. He has been president of the American Academy at Rome. He is a brother of the late Larkin G. Mead, the sculptor.





Wm. Rutherford Mead

pleted it in Newbury Seminary and Kimball Union Academy. He read law in the office of his brother-in-law, Matt H. Carpenter, in Milwaukee, Wis., and his father, Paul Dillingham, at Waterbury. He was admitted to the bar of Washington county in September, 1867, and at once formed a partnership with his father, under the name of Dillingham and Son, which continued until the retirement of the senior member. For several years after this time the junior member of the firm practiced alone. From 1890 to 1902 he practiced at Montpelier in the firm of Dillingham and Huse, and Dillingham, Huse and Howland. He began his public career in 1866 as Secretary of Civil and Military Affairs during the administration of his father and he performed a similar service in 1874-76 for Gov. Asahel Peck. From 1872 to 1876 he was State's Attorney of Washington county. He represented Waterbury in the Legislature in 1876 and again in 1884, and was Senator from Washington county in 1878 and again in 1880. For six years following 1882, when the new State tax law was passed, he served as Commissioner of State Taxes. In 1888 he was elected Governor by the largest majority ever given in the State for that office.

In October, 1900, he was elected United States Senator to fill the vacancy caused by the death of Senator Justin S. Morrill. Two years later he was elected for a full term of six years and again in 1908, 1914 and 1920 was similarly honored. In 1914, Charles A. Prouty contested the election with Senator Dillingham but was defeated.

At the bar Mr. Dillingham commanded the confidence and admiration of his colleagues and of the bench. To his fine literary abilities and deep knowledge of law, he added a commanding presence and consummate strength as a speaker. He was at his best as an advocate before the jury. In the discharge of his duties as State's Attorney he was remarkably successful. His two most celebrated cases were those of Magoon for murder and Miles for bank robbery. As a legislator at Montpelier he was a leader in the Republican ranks, and much important legislation of the period was of his authorship. As a campaign speaker, it is doubtful if Vermont has produced his equal. During several presidential campaigns he had stumped the State and rendered most effective service, but had not been called on for such service for some time prior to 1914 as his many arduous cares at Washington had kept him closely confined to the National Capital. His attractive personality and charms as a speaker were not known to the younger men in Vermont in 1914, when he returned to try titles to the Senatorship with Mr. Prouty. The State had, moreover, got a feeling that he was too much of a reactionary and that a more progressive man should represent it in the Senate. The brilliant campaign on his part which followed completely set at rest any question of his leadership, and his eloquent and powerful speeches throughout the State gave him the first place among the people, which he still holds.

He had such a triumph at Orleans, the stronghold of the Prouty supporters, during the campaign of 1914, as rarely falls to the lot of an orator. It had been arranged that he should speak here and he could not honorably avoid the engagement. It was a difficult task to face an audience that was in full sympathy with his opponent, but he gradually won his hearers by his frankness and boldness in strongly maintaining that his position on the public questions in which he had been criticized were correct and in his more emphatic declaration that he should stand by such positions for the future. Opposition changed into friendship as he went on; his hearers began a mild applause which grew into an enthusiastic one and before he had closed the whole audience was applauding him. He had won his cause and established himself in the affections of his listeners, and he carried the town at the election that followed.

In the Senate he has served on some of the most important committees, those of Transportation Routes to the Seaboard, of the District of Columbia, of Indian Depredations, of Post Offices and Post Roads, of Privileges and Elections, of Territories and Immigration. On the latter committee he has rendered his most important service.

FRANK PLUMLEY

1844-

Frank Plumley, an eloquent jury advocate, was born at Eden, Vt., December 17, 1844. His education was obtained in the common schools and at the People's Academy at Morrisville. He began his legal studies in the office of Powers and Gleed at Morrisville and completed them in the law department of the University of Michigan. He was admitted to the bar in Lamoille county in 1869. The same year he located at Northfield and formed a partnership with Heman Carpenter, which continued until 1876. He was afterwards a partner of C. M. Johnson for two years and with Frank L. Bates for one year. In 1903 he formed a partnership with his son, Charles A. Plumley, now the President of Norwich University. In 1876 he was elected State's Attorney of Washington county, an office which he held for four years. In 1882 he represented Northfield in the Legislature. In 1889 he was appointed by President Harrison United States' Attorney for the District of Vermont. In 1894 he was a Senator from Washington county and president *pro tem* of that body. He was Judge of the Court of Claims from 1902 to 1908. He was elected to Congress in 1908 and re-elected in 1910 and 1912, but declined to be again a candidate. In 1884 he was appointed a lecturer on constitutional law at Norwich University and made trustee in 1888. The hon-

orary degree of A. M. was conferred on him by this institution in 1892. Mr. Plumley has rendered distinguished service on the stump, but his greatest triumphs have been in the law. Both as a prosecutor and as attorney for the defense he has shown exceptional ability in the trial of criminal cases. While State's Attorney he prosecuted the Carr and Meaker murder cases with success and afterwards the Marsh and Buzzell murder case. He successfully defended Mildred Brewster, charged with murder, and in the celebrated Spotter case secured the acquittal of the respondent, Wilson, after a hard-fought trial in Windsor county, and he secured from the Legislature of 1902 the commutation of Doherty's sentence of death.

Mr. Plumley rendered distinguished service in the Venezuela awards, in which he acted as umpire. This was in 1903 and 1904. The unpaid claims of Great Britain, Germany and Italy resulted in a pacific blockade which led to arbitration. Eleven nations were represented and as many tribunals were established at Caracas, each made up of commissioners, one of whom was named by the creditor country and one by the debtor country, and over these an umpire presided who was named by a neutral country, whose duty it was to decide questions that the representatives of the country in dispute could not agree upon. On the recommendation of Senator Proctor, Mr. Plumley was appointed by President Roosevelt as umpire of the British-Venezuela claims, and later, on the request of Netherlands and Venezuela, he became umpire in their cases. Many important decisions were made by the umpire during the six months spent by the commission in Caracas, including an interpretation of the terms of the protocol providing for the commission, and there were eight cases which by permission of the litigant nations he brought home for decision and on which he spent three months in making his award. Soon after this service was performed, in December, 1904, the State Department called on Mr. Plumley at the request of France and Venezuela to act as umpire in their differences. This service was accepted and Mr. Plumley took up for decision at Northfield with the representatives of the nations named seven cases in dispute in which the total claims amounted to about $9,000,000. He reported his findings and opinions to the two commissioners after a labor of six months and these were subsequently edited and published by act of Congress and are valuable practical expositions of international law as applied to actual cases and are in use in some of the law schools in courses of instruction in international law. His decisions at Caracas, with the decisions of the umpires in the other cases tried there, were also published by act of Congress in a volume which may be found in the Library of Congress.

JOHN H. SENTER

1848-1916

John H. Senter of Montpelier was a lawyer of striking and original personality. In the rough and tumble of debate, whether at the bar or in the legislative or political field he had few equals. His mind worked with remarkable rapidity and his fund of information on a great variety of subjects equipped him for the duties of the disputant. He was, moreover, a well-read lawyer and in the department of evidence especially skilled. He was frank, open and honest with the court and took pleasure in assisting in the right decision of questions, as well as in the progress of the trial. Mr. Senter was born at Cabot, November 11, 1848, the son of Dearborn Bean and Susan (Lyford) Senter. He received his education in the public schools of his native town and in the high school at Concord, N. H. For many years he was a school teacher, having taught in all forty-three terms. He studied law with Clarence H. Pitkin in Montpelier and was admitted to the bar in Washington county in 1879. Subsequently he practiced his profession in Warren, but moved to Montpelier in 1885 and formed a partnership with Harlan W. Kemp, which lasted until 1891. For many years he was a director and officer in the Union Mutual Fire Insurance Company of Montpelier. In 1896 he was secretary of the Montpelier Board of Trade and in 1898 and 1899 the Mayor of Montpelier. In 1906 he represented his city in the Legislature, where he was a leader. In politics he was a Democrat. For nearly thirty years he was secretary or assistant secretary of the Democratic State Committee and he frequently represented his party in National Conventions. In 1900 he was the Democratic candidate for Governor. He was State's Attorney of Washington county in 1903-1904 and member of the State Tax Commission in 1906. President Cleveland, during his first term, appointed Mr. Senter National Bank Examiner and in 1886 he was named by Judge Wheeler Commissioner of the United States Circuit Court for the District of Vermont. In 1894 he was appointed United States District Attorney for Vermont. Mr. Senter died very suddenly in his room at Montpelier, January 20, 1916.

FRED A. HOWLAND

1864-

Fred A. Howland, son of Moses Nathan and Sylvia Ann (Shipman) Howland, was born at Franconia, N. H., November 10, 1864. He was educated at Phillips Andover Academy and Dartmouth College. He graduated from the latter institution in 1887. He studied

law with Senator Dillingham at Waterbury from 1887 to 1890, and was admitted to the bar of Vermont in the latter year. In January, 1891, he commenced practice in Minneapolis, Minn., but in November of the same year he returned East and entered the office of Ossian Ray at Lancaster, N. H. In 1892 he went to Montpelier and became a member of the firm of Dillingham, Huse and Howland, continuing until the death of Mr. Huse in September, 1902, when the firm was dissolved. In the early part of 1903 he gave up the general practice of law to become counsel of the National Life Insurance Company, and in 1909 he was made vice-president of the company, and on the death of Joseph De Boer in 1915, its president, a position which he now holds. He was Secretary of Civil and Military Affairs under Gov. William P. Dillingham, in 1888-90; Clerk of the House of Representatives, 1896-8, and State's Attorney of Washington county during the same period. He was Secretary of State from 1898 to 1902, and member of the Board of Library Commissioners from 1894 to 1902. In 1910 he was made chairman of a commission appointed to submit a revision of the banking laws of the State. Mr. Howland was an able and successful practitioner when engaged in general practice, and assuming his duties as a specialist in the law of insurance and securities, rendered invaluable service to his client.

PRESENT MEMBERS OF THE WASHINGTON COUNTY BAR

Charles B. Adams, of Waterbury, was born at Randolph September 2, 1887. He was educated in the common schools, at Randolph State Normal School, and Montpelier Seminary. He studied law at the University of Maine College of Law and graduated in 1913. He studied in the office of March M. Wilson at Randolph, and was admitted to the bar of Maine in 1912 and to the bar of Vermont in 1914. He practiced at Bangor, Me., 1912-1914; he has practiced at Waterbury since 1914. He has been Town Clerk since 1919. In 1921 he was appointed State's Attorney for Washington county, and was elected to the same office in 1922.

John M. Avery, of Montpelier, was born at Wallingford April 4, 1880. He was educated in the Middlebury High School and at Middlebury College, graduating from the latter institution in 1911. He studied law with Judge Charles I. Button at Middlebury and was admitted to the bar in 1919. He has done no general practice. He was Legislative Reference Librarian from 1913 to July, 1919, when he was appointed Commissioner of Taxes. He held this office until May 1, 1920, when he exchanged positions with Mr. Morse and again took up the duties of Legislative Reference Librarian. He resigned

these duties June 1, 1922, and became a clerk in the legal department of the National Life Insurance Company.

Burton E. Bailey, of Montpelier, was born in Williamstown, July 5, 1866. He was educated in the district schools and at Montpelier Seminary, where he graduated in the class of 1890. For ten years he was a traveling salesman and in 1900 he began to study law in the office of his brother, Frank A. Bailey, at Montpelier, where he remained until his admission to the bar in 1902. From the time of his admission until 1914 he was in active practice at Montpelier. Since that time he has been Postmaster of Montpelier. He was Grand Juror of Montpelier, 1904-1905, and City Attorney, 1911-1914.

Edward W. Bisbee, of Barre, was born at Waitsfield, February 27, 1856. He was educated in the district schools and at Barre Academy, where he graduated in 1875. He studied law in the office of Heath and Carleton and in that of Joseph A. Wing, in Montpelier, and was admitted to the bar in 1879. He practiced in Barre for twenty years. He was State's Attorney from 1886 to 1890 and Postmaster at Barre from 1899 to 1915.

George Briggs, of Montpelier, was born at Brandon, April 26, 1844. He was educated in the schools of Brandon, at the Vermont Episcopal Institute at Burlington, and at Hobart College, Geneva, N. Y., where he graduated in 1866. He studied law in the office of Senator George F. Edmunds at Burlington, with Briggs and Ormsbee at Brandon, and at the Albany Law School. He was admitted to the bar in 1868 and practiced in Brandon in company with Gov. E. J. Ormsbee. He was Town Clerk from 1868 to 1894, and Director of the National Life Insurance Company from 1889 to 1920. He retired from practice and removed to Montpelier, where he was employed in the loans department of the insurance company.

J. Ward Carver, of Barre, was born at Calais, February 19, 1881, and was educated in the public schools, at Montpelier High School and at Goddard Seminary, where he graduated in 1900. He studied law in Barre in the office of John W. Gordon and was admitted to the bar in 1905. He has always practiced at Barre, where he has held the following offices: Grand Juror, City Attorney, 1906-1910; State's Attorney, 1910-1915; State Senator, 1914.

Osman D. Clark, of Montpelier, was born at Montpelier, November 26, 1855, and was educated in the public schools of Montpelier and at Amherst College, where he graduated in 1876. He studied law at Montpelier with Charles H. Heath, with Huse and

CHARLES PLIMPTON SMITH

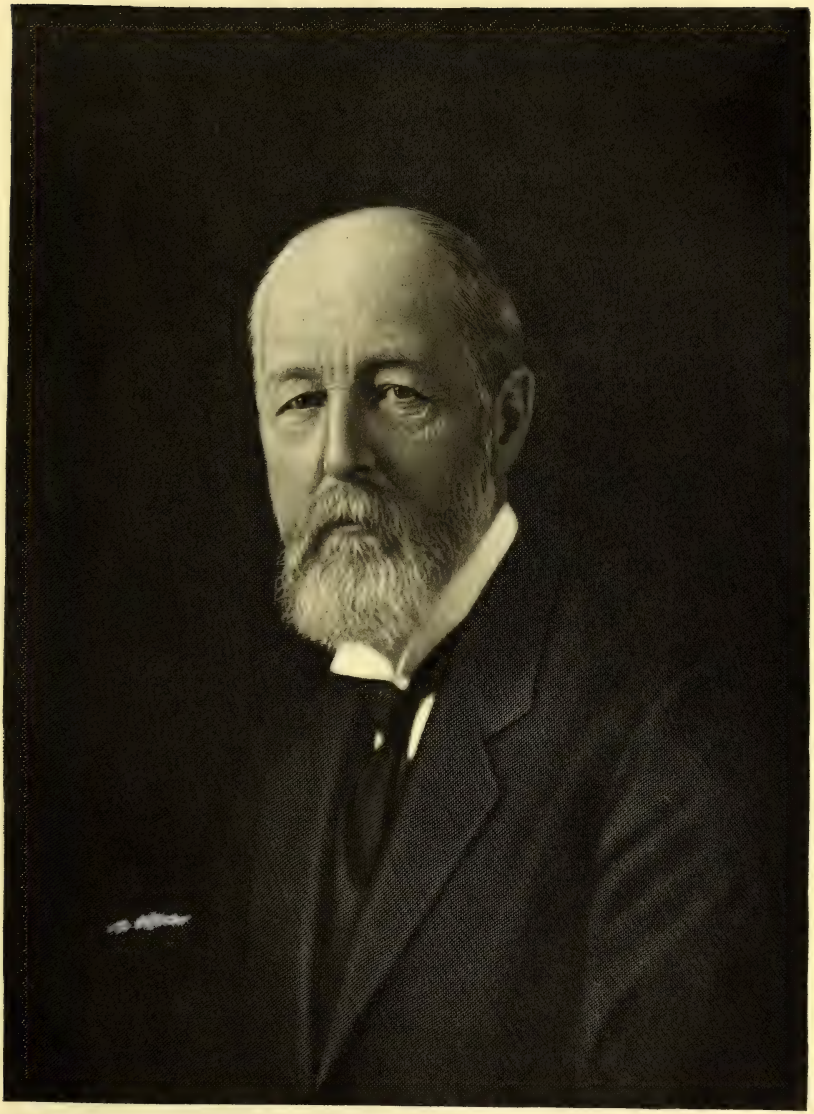
Has for many years been a dominating figure in the banking life of Vermont. He became President of the Burlington Savings Bank in 1889 and under his administration its assets have increased from less than $2,000,000 to $20,000,000. There is perhaps no man in Vermont whose advice on financial matters for many years past, has been more generally sought and relied upon, both by individuals and by State officials. In 1894 and 1896 he represented the City of Burlington in the General Assembly, and in 1898 was a member of the State Senate.

Mr. Smith was born in St. Johns, P. Q., in 1847, while his parents were temporarily living in that city, although they were residents of Burlington at the time. He has lived in Burlington all his life, having been educated in the schools of the city. At the age of nineteen he was in business for himself, and did a growing business in flour, grain and hay until he became president of the Burlington Savings Bank. In 1884 Mr. Smith was elected a trustee of the Burlington Savings Bank and from that time until the present has been actively associated with its growth.

The first achievement which brought him notably before the State as a banking force, was the vigorous and courageous manner in which he brought his institution through the panic of 1893 not only with credit to itself but with a record of helpfulness to all neighboring banks. From that time to the present he has had much to do with the strength and public spirit of Vermont banking institutions.

Mr. Smith married Anna A. Pease of Oswego, N. Y. They have one daughter, Mrs. John M. Wheeler of New York City, and three sons, Levi P. and Charles P., Jr., of Burlington, and Frederick F. of Opheim, Mont.

Mr. Smith has been connected with many benevolent institutions. He was for many years treasurer of the Mary Fletcher Hospital and is now the president of its board of trustees. He is one of the permanent trustees of the Burlington Y. M. C. A. and of the Home for Destitute Children, and a member of the board of the Home for Aged Women. He is a director of the National Life Insurance Company, the Central Vermont Railroad and New England Telephone and Telegraph Company.



L. P. Smith

Lord and with Clarence H. Pitkin, and was admitted to the bar in 1879. He has resided at Montpelier since 1885. He has long been secretary of the National Life Insurance Company.

Harrison J. Conant, of North Montpelier, was born at Southbridge, Mass., June 8, 1882. He was educated in the schools of Worcester, graduated at Amherst College in 1904, and at Columbia Law School in 1907. He was admitted to the bar in New York in 1907 and to that of Vermont in 1910. He practiced in New York from 1907 to 1910; at Montpelier from 1910 to 1917, and at North Montpelier since 1917. He was Executive Clerk to Governor Mead. He is Assistant State Librarian and Legislative Reference Librarian.

Murdock A. Campbell, of Northfield, was born at Graniteville, January 16, 1889. He studied law at the University of Maine Law School and with Plumley and Plumley at Northfield, and was admitted to the bar in 1917. He was in service in the late war from May, 1917, to July, 1919, entering as a private and retiring as First Lieutenant. Since August, 1919, he has practiced at Northfield in the firm of Plumley, Plumley and Campbell.

George H. Dale, of Waterbury, was born at Moretown, April 18, 1858. He was educated in the common schools, studied law in the office of Columbus Clough at Waterbury, and was admitted to the bar in 1896. He has practiced at Waterbury since his admission. He has held the office of Assistant Judge of Washington County Court since 1910 and has been a Justice of the Peace since 1898. He has held many other local offices, including that of President of the Village, Treasurer of the Village, Tax Collector, Trustee, School Director, Auditor and Grand Juror.

Earl R. Davis, of Barre, was born at Corinth, October 14, 1868, and was educated at the Montpelier Seminary, where he graduated in 1891, and at the University of Vermont, where he graduated in 1895. He studied law at Island Pond, in the office of George N. Dale and Porter H. Dale, from 1895 to 1898 and taught in the Island Pond High School during the same period. He was admitted to the bar in 1898 and practiced at East Barre 1899-1901, and since 1901 at Barre. He was State's Attorney from July, 1917, to February 1, 1921. He was elected Judge of Probate in 1922.

Charles M. Davis, of Northfield, was born at Northfield, June 13, 1860. He was educated at the Northfield High School, Dartmouth College, Norwich University, and Boston University Law School. He studied law in the office of Frank Plumley at Northfield,

with Stephen C. Shurtleff at Montpelier, and at the Boston University Law School, graduating in 1889. He was admitted to the bar of Vermont the latter year and from 1890 to 1900 practiced at Northfield. He has retired from practice and is engaged in business.

Edward H. Deavitt, of Montpelier, was born at Moretown, December 1, 1871. He graduated from the Montpelier High School in the class of 1889, and from the University of Vermont in the class of 1893. He studied law in the office of his father, Thomas J. Deavitt, of Montpelier, and at the Harvard Law School and was admitted to the bar of Vermont and of Massachusetts in 1896. He practiced at Boston, 1896-1897; he has practiced at Montpelier since 1897. He was Referee in Bankruptcy, 1898-1905, and State Treasurer, October, 1906, to Janaury, 1915.

Edward C. Dufficy, of Barre, was born at Brattleboro, April 10, 1892. He was educated at the high school at Gorham, Me. He studied law at the University of Maine, where he graduated in 1917. He was admitted that year to the bar of Maine and practiced in Rumford. He was a member of the United States Army in 1918 and the year following studied in the office of Stickney, Sargent and Skeels at Ludlow and was admitted to the bar of Vermont in 1919. He practiced for a year at Springfield and is now in practice at Barre.

Alland G. Fay, of Barre, was born at Brookfield, December 4, 1856, and was educated in the common schools and at Goddard Seminary. He studied law with Heath and Carleton at Montpelier and with Charles H. Heath, and was admitted to the bar in 1884. He practiced at Montpelier, 1887-1892; at Plainfield, 1884-1892; at Lancaster, N. H., 1892-1895; at Barre since 1895, except from 1908 to 1915, when he was engaged in the granite business. He was Assistant Secretary of the Senate, 1886-1888; and Judge of Barre City Court, 1900-1906.

Joseph J. Frattini, of Montpelier, was the first Italian born in Barre, the date of his birth being May 7, 1889. He was educated in the public schools of Barre and graduated at the Spaulding High School. He studied law with John H. Senter at Montpelier and with Lewis C. Moody at the same place; he was admitted to the bar in 1917 and was the first person of Italian nationality who has been admitted to the bar of Vermont. He has practiced at Montpelier since his admission, and is Deputy Clerk of the Washington County Court,

Benjamin Gates, of Montpelier, was born at Pittsford, August 6, 1873. He was educated at the public schools of Brandon

and at Montpelier Seminary. He studied law at the University of Michigan Law School and with Melville E. Smilie at Montpelier and was admitted to the bar in 1903. He practiced at Montpelier from his admission until January 7, 1917, when he became Auditor of Accounts. For one year he was in partnership with Judge Stanley C. Wilson in practice at Montpelier. He was Deputy Clerk of the Washington County Court; Assistant in the State Library; Grand Juror; State's Attorney, 1906-1910; Secretary of Civil and Military Affairs to Governor Gates, 1915-1917; Auditor of Accounts since 1917.

Lena Giudici, of Barre, was born at Barre, November 7, 1898. She pursued her studies in the public schools of Barre and graduated at the Spaulding High School in 1917. She studied law at the Boston University Law School and received her degree in 1920. She studied law in the office of J. Ward Carver at Barre, and was admitted to the bar in Massachusetts in 1920 and to the bar of Vermont in 1921. She is not in practice.

Fred E. Gleason, of Montpelier, was born March 17, 1883 at Montpelier, and was educated in the schools of Montpelier, at Williston Seminary, where he graduated in 1901, and at Yale University, where he graduated in 1905. He studied law at the Harvard Law School and in the office of Edward H. Deavitt at Montpelier and was admitted to the bar in 1909. He has since practiced at Montpelier. He has been City Grand Juror; Clerk of the Revision Committee; State's Attorney, 1914-1917; Secretary Republican State Convention, 1912, 1914; Secretary Washington County Bar Association; member General Council American Bar Association.

John W. Gordon, of Barre, was born in Vershire, September 16, 1857. He was educated at the Burlington High School, Barre Academy, and at Dartmouth College. He studied law with Truman R. Gordon in Montpelier and with Barney and Hoar in Barre and was admitted to the bar in 1890. He has practiced at Barre since his admission, where he has held the office of Lister, School Commissioner, Mayor, County Senator, and was elected City Representative in 1922 by a practically unanimous vote.

Erwin M. Harvey, of Montpelier, was born at Topsham, October 12, 1871. He was educated in the public schools, at Montpelier Seminary, where he graduated in 1892, and at the University of Vermont, where he graduated in 1896. He studied law in the office of Melville E. Smilie and in the office of his father, Roney M. Harvey, at Montpelier, and was admitted to the bar in 1899. He has practiced at Montpelier since his admission. He was Clerk of the Board of

Railroad Commissioners, 1900-1902; and was Judge of Montpelier City Court from 1904 to 1921.

Roney M. Harvey, of Montpelier, was born at Topsham, May 20, 1843. He was educated in the public schools, at Newbury Seminary, and at Peacham Academy. He studied law at Topsham with Josiah O. Livingston and was admitted to the bar in 1869. He practiced at Topsham until 1896 and afterwards practiced at Montpelier. He was a member of the House in 1880 and 1886; Senator from Orange county in 1890; State's Attorney of Orange county, 1878; State Supervisor of Insane, 1880-1882.

Clifton M. Heaton, of Montpelier, was born at Montpelier, October 18, 1877, and was educated at the Vermont Episcopal Institute and at the University of Vermont. He sudied law at the Boston University Law School and was admitted to the bar of this State in 1901 and to the bar of Kansas in 1908. He has practiced at Montpelier and at Topeka, Kan. He is at present located at Montpelier and is in the employ of the National Life Insurance Company.

Helen M. M. Hoar, of Barre, was born at Barre, November 28, 1887. She was educated in the public schools of Barre and graduated at the Spaulding High School in 1909. She studied law in the office of her father, Richard A. Hoar, at Barre, and at the University of Maine, where she received the degree of LL. B. from the law department in 1915. She was admitted to the bar in 1914, and has since practiced at Barre. Miss Hoar was the third woman to receive the LL. B. degree from the University of Maine, and is the second woman to be admitted to the bar of Vermont. While at the University she was associate editor of the *Maine Law Review*, and at present is Vice-President of the Women Lawyers' Association and a contributor to its journal. In 1918 and 1919 she was State Chairman of the Civil Service Reform Committee of the Vermont Federation of Women's Clubs. She is not engaged in practice.

Guy B. Horton, of Montpelier, was born at North Clarendon, December 1, 1875, and was educated at Middlebury College, where he received his degree in 1901. He studied law in the office of Robert Roberts at Burlington and in the University of Michigan. He was admitted to the bar in 1906. He practiced at Burlington from his admission until 1918 and is now Attorney with the National Life Insurance Company, at Montpelier. He was Associate Editor of the Vermont Digest, compiled by Robert Roberts, and Editor of a continuation of the Digest and of Vermont Citations.

George L. Hunt, of Montpelier, was born at Moosup, Conn., July 23, 1878. He graduated at the Brockton High School in 1896 and at Brown University in 1900. He studied law in the office of Albro F. Nichols at St. Johnsbury and was admitted to the bar in 1903. He practiced at Enosburg Falls, 1903-1904; Island Pond, 1905-1912; Montpelier, 1912 to the present time. He is a partner in the firm of Theriault and Hunt. He was Deputy Clerk in Caledonia County Court, 1900-1903; Deputy Secretary of State, 1904-1905; State's Attorney of Essex county, 1908-1910; City Attorney of Montpelier, 1912 to date; Clerk Educational Commission, 1912-1914.

S. Hollister Jackson, of Barre, was born in Toronto, Canada, December 7, 1875. He was educated in the public schools of Kingston, Ont., and Collegiate Institute, Queens University, Toronto University, where he graduated as Bachelor of Music in 1896; University of Vermont, where he graduated in 1898. He studied law in the office of John W. Gordon, at Barre, and was admitted to the bar of Vermont in 1900 and to the bar of California in 1902. He has practiced at Barre since his admission. He was State's Attorney of Washington county, 1904-1906; member of the House, 1906; member of the Railroad Commission and Public Service Commission, 1906-1913.

Fred L. Laird, of Montpelier, was born at Plainfield, September 26, 1860. He graduated from Montpelier Seminary in 1880 and from Dartmouth College in 1884. He studied law with John G. Wing, M. E. Smilie and Stephen C. Shurtleff at Montpelier and was admitted to the bar in 1887. He has practiced at Montpelier since admission and in 1912-1914 was County Senator. He was appointed Judge of the Montpelier Municipal Court in 1922.

William A. Lord, of Montpelier, was born at Montpelier, August 28, 1849. He was educated at the Montpelier High School, and graduated from Dartmouth College in the class of 1869. He studied law in the office of Alexander Ferguson in Cincinnati, Ohio, and in the office of Charles H. Heath at Montpelier, and was admitted to the bar in 1876. He has practiced at Montpelier since his admission. He was the first City Attorney of Montpelier; member of the House in 1894; member of the House and Speaker in 1896; National Bank Examiner, 1898-1900; County Senator, 1904; Chairman of the Commission to Revise the Statutes, 1904-1906; Chairman of the Board of Editors of the Revision of Public Statutes, 1906-1908. He was appointed Judge of the Montpelier Municipal Court in 1921 and served until 1922.

Frank J. Martin, of Barre, was educated at Barre Academy, Worcester Academy, Worcester, Mass., and in a business college at St. Louis, Missouri. He studied law at Montpelier in the offices of Melville E. Smilie and Hiram A. Huse, and was admitted to the bar in 1890, and has since resided at Barre. He has held some town offices, was Second Assistant State Librarian, and is Judge of Probate for Washington county.

Webster E. Miller, of Montpelier, was born at Pittsfield, Mass., March 20, 1892. He was educated in the public schools and in the high school at Pittsfield and at Middlebury College, where he graduated in 1917 with the degree of A. B. He studied law in the office of Stickney, Sargent and Skeels at Ludlow and was admitted to the bar in 1920. He at first located at Windsor and was associated with Fred C. Bicknell in practice, and later moved to Montpelier.

Lewis C. Moody, of Montpelier, was born at Stowe, November 10, 1855, and was educated at the Stowe High School and at Waterbury Center Seminary. He studied law with L. S. Thompson and George Wilkins at Stowe, and was admitted to the bar in 1884. He practiced at Stowe, 1884-1899; at Waterbury, 1899-1912. He was State's Attorney of Lamoille county, 1892-1894; he has been Clerk of Washington County Court since March, 1912.

Claude L. Morse, of Northfield, was born at Northfield, February 9, 1877. He was educated at the Northfield High School and studied law with Judge Frank Plumley. He was admitted to the bar in 1903 and has since practiced at Northfield. He has been Town Clerk and Treasurer, Treasurer of the Village and Treasurer of the Graded School District since 1908. He was Sergeant of the First Vermont Volunteer Infantry in the Spanish-American War.

Charles A. Plumley, of Northfield, was born at Northfield, April 14, 1875. He was educated in the graded and high schools of Northfield, graduating from the latter in 1892, and at Norwich University, where he graduated in 1896. He studied law in the office of his father, Frank Plumley, at Northfield, and was admitted to the bar in 1903. He has practiced at Northfield. In 1894 he was Assistant Secretary of the Senate; from 1900 to 1906, Assistant Clerk of the House; from 1908 to 1910, Clerk of the House; Speaker of the House in 1912; Commissioner of State Taxes from 1913 to 1919. He resigned the latter office in 1919 and in June accepted a position in the legal department of the Firestone Tire and Rubber Company of Akron, Ohio. In 1920 he was elected President of Norwich University and returned to Vermont.

JOHN J. FLYNN

Born in Dorset, Vt., June 22, 1857, the son of James and Catherine (Shea) Flynn. He was educated in the public schools. He was a tenant farmer in South Burlington from 1876 to 1880, a retail grocer in Burlington from 1880 to 1890 and a real estate dealer from 1890 to the present time. At various times he has been a large owner of Vermont forest lands. He organized and financed the building of the Military Post Street Railway connecting Winooski and Essex Junction and is its treasurer; the Barre and Montpelier Street Railway system; the St. Albans and Swanton electric line; the Bellows Falls and Saxtons River electric road. He was also interested in street railway lines in New Jersey and in building the Barre gas plant. He was one of the organizers and principal owners of the Vergennes Water Power Company. He was one of the organizers of the Chittenden County Trust Company and is its vice-president and a director. He is largely interested in the Burlington Traction Company and for the last twenty-five years has been an officer and director. He is a director of the Elias Lyman Coal Company and of the Burlington Building and Loan Association. He is the owner of Starr Farm Beach on Lake Champlain, a suburban community of summer dwellers. He is a member of various clubs and is a Democrat in politics. He married Nellie F. Waite of Dorset in 1880, who died in December, 1922.

The Kansas History Co., Publishers

John J. Lynn

Albert A. Sargent, of Barre, was born at Ludlow, November 16, 1871. He was educated at Black River Academy and at Middlebury College. He studied law at the Boston University Law School and with Stickney and Sargent at Ludlow and was admitted to the bar in 1898. He has practiced at Barre. He was City Attorney in 1919, and is Vice-President of the Granite Mutual Insurance Company.

H. William Scott, of Barre, was born at Barre, August 10, 1870. He was educated in the common schools and at Goddard Seminary, studied law with Barney and Hoar at Barre and was admitted to the bar in 1895. He has always practiced at Barre, where he has held the offices of City Grand Juror, and City Assessor, and Alderman. He was Judge of the City Court from 1906 to 1919.

Elwin L. Scott, of Barre, was born at Braintree, June 1, 1877, and was educated at the Rochester High School and at the Randolph State Normal School. He studied law with Frank Plumley at Northfield and with Richard A. Hoar at Barre, and was admitted to the bar in 1903. He has practiced at Barre since his admission and was City Attorney, 1910-1915, and has been Judge of Barre City Court since February 1, 1919.

Harry C. Shurtleff, of Montpelier, was born in Plainfield, December 28, 1871. He was educated at the Montpelier High School and the University of Vermont, where he graduated in 1895. He studied law in the office of his father, Stephen C. Shurtleff, at Montpelier, was admitted to the bar in 1897 and has practiced at Montpelier since. He was School Director, 1899-1902; Alderman, 1916-1919, and Mayor 1919 to 1921.

John H. Stone, of Montpelier, was born at Chelsea, July 13, 1888, and was educated in the district schools of Chelsea and at Chelsea Academy, where he graduated in 1909, and at Montpelier Seminary, where he graduated in 1910. He studied law with John H Senter of Montpelier and was admitted to the bar in 1915.

Robert E. Susena, of Montpelier, was born at Baveno, Italy, September 28, 1894. As a child he studied in the schools of Italy and Switzerland. When ten years of age he entered the graded school of Barre and later graduated from the same. His higher studies were pursued with private tutors. He studied law in the office of Theriault and Hunt at Montpelier and was admitted to the bar in 1920. In the World War he was a Sergeant of Engineers. He has located at Montpelier.

Arthur C. Theriault, of Montpelier, was born at Montpelier, June 11, 1888. He attended the St. Michael's Graded School, graduated at the Montpelier High School in 1907; was at Dartmouth, 1907-1908; took a special course at the University of Maine Law School; studied law in the office of Theriault and Hunt at Montpelier and was admitted to the bar in 1913. He has practiced at Montpelier since admission, with exception of thirteen months that he spent in the service during the late war with Germany. He was City Grand Juror from 1914 to 1917.

William N. Theriault, of Montpelier, was born at Montpelier, November 2, 1877, and was educated at St. Michael's Parochial School and at Montpelier High School, where he graduated in 1895. He studied law with Dillingham, Huse and Howland, and was admitted to the bar in 1899. He has always practiced at Montpelier. From 1899 to 1902 he practiced in the office of the firm with which he studied, and was afterwards alone until 1912, when he formed a partnership with George L. Hunt under the style of Theriault and Hunt, which continues. He has been Messenger and Assistant Librarian in the State Library, was Corporal in the Spanish-American War, and has been Referee in Bankruptcy since 1906.

Fred B. Thomas, of Montpelier, was born at Stowe, June 17, 1869. He was educated in the district schools of Stowe, at the People's Academy, and at Norwich University, where he graduated in 1895. He studied law with George W. Wing at Montpelier, and with Melville E. Smilie, and was admitted to the bar in 1899. He has practiced at Montpelier except during the time he was in war service. He served in the Spanish-American War from July 18, to Oct. 27, 1898, as Private in Co. H, First Vermont Infantry Volunteers. He was in the Mexican Border Service (National Guard called into the Federal Service by the President), June 19 to October 11, 1916, as Lieutenant-Colonel, First Infantry, Vermont National Guard. The time actually at the Border (Eagle Pass, Texas), was from July 2, to September 20. He was called into Federal Service with the First Vermont Infantry, National Guard, April 2, 1917, and mustered into United States Service April 6, 1917. He was drafted into the United States Army with the entire National Guard of the country, August 5, 1917 and discharged May 9, 1919. His grade was Colonel during this entire service. He commanded the First Vermont Infantry, National Guard, from April 2, 1917, when called into Federal service by the President until February 9, 1918, when the designation of the regiment was changed to the Fifty-Seventh Pioneer Infantry. He commanded the Fifty-Seventh Pioneer Infantry from February 9, 1918, to October 30, 1918, when this regiment was broken up at Le Mans, France, to

be used as replacement troops. He was attached to the Eight Hundred and Sixth Pioneer Infantry, November 14, to November 18, 1918, assigned to command of the Three Hundred and Tenth Trains (Trains of the Eighty-Fifth Division), November 18, 1918, transferred to the Three Hundred and Thirty-Seventh Infantry (of the Eighty-Fifth Division), January 18, 1919. He commanded the Three Hundred and Thirty-Seventh Infantry until it was demobilized at Camp Custer, Mich., which was completed April 25, 1919. He sailed from Hoboken September 29, 1918, landed at Brest, France, October 7, 1918, returned to the United States March 30, 1919. He was elected State's Attorney of Washington county in 1920. This office he resigned to become Commissioner of State Taxes in 1921.

Timothy R. Phillips, of Montpelier, was born at Montpelier, August 12, 1879. He was educated at the St. Albans Military Academy at Knoxville, Ill., and studied law at the Boston University Law School and with Edward H. Deavitt at Montpelier. He was admitted to the bar in 1903 and practiced at Montpelier for about two years, when he was obliged to change his occupation on account of ill health.

William C. White, of Northfield, was born at Middlesex, August 27, 1873, and was educated at Montpelier Seminary. He studied law in the offices of William A. Lord, Melville E. Smilie, and Fred L. Laird, at Montpelier, and was admitted to the bar in 1900. He practiced at Williamstown, 1901-1906; at Middlesex, 1906-1912; and at Northfield since 1912. He was Postmaster at Middlesex, 1906-1912, and Referee in Bankruptcy, Orange county, 1904-1906. He was appointed Postmaster at Northfield and took office October 1, 1922.

George W. Wing, of Montpelier, was born at Plainfield, October 22, 1843. He was educated in the district schools, at Barre Academy, and the Washington County Grammar School, from the latter of which he graduated in 1862 and entered Dartmouth College the same year. Graduating from Dartmouth College four years later he entered the office of his father, Joseph A. Wing, as a law student and was admitted to the bar in 1868. He practiced at Montpelier from 1873 until 1902, when he withdrew from the law on the death of Hiram A. Huse, whom he succeeded as State Librarian. Mr. Wing held nearly all the local offices when Montpelier was under town government, and he was Trustee and President of the Village of Montpelier and the first Mayor of the city. He represented Montpelier in the House in 1882; from 1866 to 1870 was Assistant State Librarian and Deputy Secretary of State; from 1868 to 1873 was clerk of the State Treas-

urer's Office; from 1893 to 1906, Trustee of the State Hospital for the Insane; from 1884 to 1888 Postmaster at Montpelier.

William Wishart, of Barre, was born at Vinal Haven, Fox Island, Me., February 10, 1876. He was educated at Goddard Seminary, and studied law at the Boston University Law School and with John W. Gordon at Barre. He was admitted to the bar in 1899, and has since practiced in Barre. He has often held the offices of City Grand Juror and City Attorney. He was elected to the General Assembly from Barre City in 1920.

George B. Young, of Montpelier, was born at Troy, Vt., April 20, 1867. He was educated in the district schools of Derby Line, at Stanstead, Wesleyan College, Wesleyan Academy, and Dartmouth College. He studied law at Newport in the office of Edwards, Dickerman and Young and in the office of Dickerman and Young, in which firm his father, John Young, was a partner. He was admitted to the bar of Vermont in 1891, to the bar of Minnesota in 1892 and to the bar of the United States Supreme Court in 1907. He practiced at Minneapolis from 1892 to 1899 and at Newport from 1899 to 1916. In the latter year he became general counsel of the National Life Insurance Company and has since resided at Montpelier. He was a member of the school board in Newport, was elected a trustee of the Vermont State Library in 1919, and since 1911 has been a Commissioner on Uniform State Laws and from 1915 to 1918 was Secretary of the National Conference of Commissioners on Uniform State Laws.

WINDHAM COUNTY

BY the provisions of an act passed in February, 1779, all of eastern Vermont to the south line of the Province of Quebec was embraced within the county of Cumberland. At a session of the General Assembly, held at Windsor in February, 1781, the entire eastern part of the State was incorporated into the three counties of Windham, Windsor and Orange. Windham county embraced all that part of Cumberland county lying south of a line commencing at the southeast corner of Springfield and running westerly to the east line of Bennington county. In February, 1787, the boundaries of Windham county were further defined in an act passed by the General Assembly which provided for holding one more session of court at Westminster, after which the sessions were to be held at Newfane, if the inhabitants thereof should build a court house. Provision was made for holding the courts at Westminster and Marlboro as half shires until 1790, when one shire was constituted at Newfane. They were held in the two places alternately and in the latter in the house of Colonel Granger. In the early settlement of the town a village had grown up on Newfane Hill. This was on the summit of the elevation, which rises like a cone in the center of the town and is about two miles west of the present village of Newfane. Thither the courts were removed from Westminster, a court house and jail having been erected here for the use of the county. From 1790 to 1820 the village consisted of a meeting house, academy, three stores, two hotels, a variety of shops such as were found in New England villages at an early day and about twenty private residences. The village was a farming center and there were many large and fertile farms round about it. Standing upon the summit of the hill the village afforded an extensive and picturesque prospect. Here could be seen no less than fifty townships in Vermont, New Hampshire and Massachusetts. From the same eminence appeared Haystack Mountain, in Wilmington, Stratton Mountain in Stratton, Ascutney in Windsor, Monadnock in New Hampshire, and Wachusett in Massachusetts. The county buildings occupied this unique spot, which is the geographical center of the county, until 1825 when they were moved to the village below, then called Fayetteville, now Newfane. Following the removal of the public buildings the other structures on the hill were taken down or abandoned and the inhabitants moved into the valley below, either to Newfane or Williamsville. Several of the buildings were taken to pieces and removed to the new village of Fayetteville and reconstructed there. This was the fate of the old court house. Its timbers and boarding, now more than a century old, can be detected on an examination of the present court house in Newfane village. The last

building to remain was the old school house, but this crumbled to decay a third of a century ago; many of the farms, too, were abandoned. The hill is not without interest or life, however, for the summer visitor has come to admire and enjoy its beauties and more than one summer camp, erected near the summit, commands the grand panorama of mountain and valley that stretches distant in all directions. James L. Martin, Judge of the United States District Court, was the owner of one of these camps, and spent several summers here during the last years of his life.

On the moving of the county seat into the village, the court house and jail were put up there at a cost of $10,000. These, with many additions and improvements, constitute the present county buildings. In 1853 the buildings first erected were altered and improved at an expense of $13,000 and since that date, from time to time, further improvements have been made. The most extensive change in the court house was made a few years ago, when the building was enlarged by the addition of twenty-four feet to the west end to make rooms for the Judges, Lawyers, and Grand Jury. This was done without changing the style of construction or marring the symmetry of the building, which is one of the most attractive court houses in New England and by far the most attractive in Vermont. The picture of the building on page 360 of volume 2 of the History is of the court house as it appeared before the addition; and the load of logs should be replaced by a line of automobiles parked in the same spot to represent present surroundings when court is in session. Its architecture is impressive, but this is greatly enhanced by the location. It is of stately proportions, being ninety-three feet long, forty-four wide, two stories high and surmounted by a handsome tower and belfry with four massive pillars supporting the portico of the eastern front. The house is built of wood, is painted white, with green blinds. It stands on a slight elevation, is surrounded by maples and in summer almost hidden by their dense foliage. The court room is large and well lighted and the acoustic proprieties are perfect. It is sure to attract the attention of the visitor by the large number of portraits that are hung on the walls. These vary in size from a life-size painting of William C. Bradley to enlarged photographs of lawyers and Judges. There are nearly forty in all in the court room and rooms adjoining, representing the great lawyers of the county and the Judges of the State, and each one is accompanied by a sketch which gives an outline of the life of the individual. The court house is admirably adapted to the work of the court, having an abundance of room for all purposes and being equipped with a better library than can be found in most of the other court houses. Extensive changes have been made in the jail at a large expense, in order to secure its safety and its sanitation.

More than one legislative battle has been fought over the question of the removal of the shire from Newfane to Brattleboro, the largest and most prosperous town in the county, the home of the leading lawyers and the center of the legal business of southeastern Vermont; but the geographical argument and the influence of the small towns have prevented the change. The coming of the railroad in 1880, the telephone and the automobile have all made conditions more favorable for holding the county courts in Newfane, and the many improvements, including plumbing and electric lights, together with important changes in the county jail by which it has been completely modernized, will have a tendency to quiet discussion on this question. The county courts are held here on the second Tuesday of April and September.

JEREMIAH MASON

1768-1848

Jeremiah Mason, the greatest of New England lawyers, and a law student at Westminster, was admitted to the bar on Newfane Hill in 1791. He was born at Lebanon, Conn., April 27, 1768, and graduated from Yale College in 1788. After spending a period of six months in the office of Simeon Baldwin in Connecticut, Mr. Mason entered the office of Stephen R. Bradley in Westminster, where he fitted for the bar. Following his admission he purchased the practice of Col. Alpheus Moore in Westmoreland, N. H. Here he remained for three years when he removed to Walpole, in the same State, in 1794. In 1797 he located at Portsmouth. In 1802 he became the Attorney General of New Hampshire. Five years later he met Daniel Webster. He and Webster were often pitted against each other and each found the other a powerful and dangerous opponent. In the trial of the Dartmouth College case in the State Court, Mr. Mason made the brief and argued the case for the college. In it he made the same points which Mr. Webster afterward made before the United States Supreme Court, and it is said that Webster added nothing to the case, except by way of embellishment, that is not contained in the brief of Mr. Mason in the State Court. Mr. Mason's biographer says of the two men, that "Mr. Mason was a great lawyer and Mr. Webster a great man practicing law." They were fast friends. Mr. Webster said in a eulogy of his friend, after Mr. Mason's death, that he "could pour out his tears like water." For years they were the leaders of the New Hampshire bar. In 1813 Mr. Mason was elected to the United States Senate, serving until 1817, when he resigned to resume the practice of law. In 1816 he declined the office of Chief Justice of New Hampshire. Removing to Boston in 1832, he became one of the fore-

most lawyers in Massachusetts. He was a giant physically as well as mentally, being six feet six inches tall. His greatness is emphasized by Rufus Choate, who said of him: "As a jurist he would have filled the seat of Marshall as Marshall filled it"; and by Webster, who declared: "If you were to ask me who was the greatest lawyer in the country, I should answer John Marshall; but if you took me by the throat and pinned me to the wall and demanded my *real* opinion, I should be compelled to say it was Jeremiah Mason." He died in Boston, October 14, 1848.

GEN. MARTIN FIELD

1773-1833

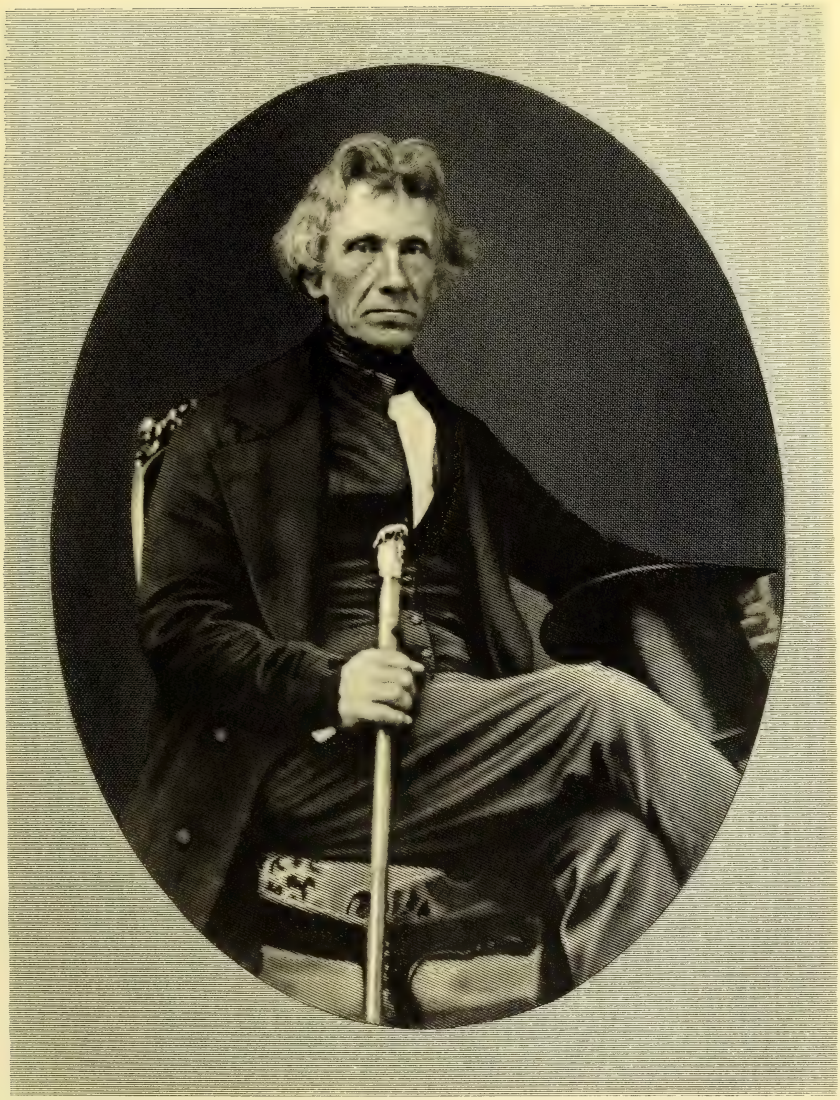
Martin Field was one of the earliest lawyers to locate in Windham county. He was born at Leverett, Mass., February 12, 1773, and graduated at Williams College in 1798. He studied law in the office of his uncle, Lucius Hubbard, of Chester, Vt., and upon the decease of Calvin Knowlton, son of Judge Knowlton, in 1800, at the special request of Judge Knowlton he came to Newfane and located in practice on Newfane Hill. He married Esther Smith Kellogg, daughter of Daniel Kellogg of Amherst, Mass., and sister of Judge Daniel Kellogg of the Vermont Supreme Court, February 21, 1902. To this marriage there was born two sons, Charles K., April 24, 1803, and Roswell M., February 22, 1807. Mrs. Field was an accomplished lady of fine personal appearance, great goodness and exemplary piety, to whose industry, prudence and discretion General Field was indebted in great measure for his success in life. She died June 6, 1867, aged 88 years, surviving her husband thirty-four years.

Mr. Field was for ten years State's Attorney for Windham county and repeatedly represented Newfane in the General Assembly and Constitutional conventions. In 1819 he was elected Major General of the First Division of the Vermont Militia and was one of the leading men of the State in his day.

His forensic efforts abounded in flashes of wit, and bursts of sarcasm and ridicule, which he could use with great skill and effect. He was on this account a popular jury advocate. He was eminently successful in his profession and for thirty years enjoyed a large and lucrative practice which he had to abandon on account of deafness. On relinquishing the duties of his profession he turned his attention to the study of geology and mineralogy and by great perseverance and industry collected what at that time was regarded as the rarest and most extensive cabinet of minerals in the State. These were afterwards given to Middlebury College by his widow.

ALLEN WARDNER

Born on a farm in Alstead, N. H., December 13, 1786. Ten years later the family removed to Reading, Vt. At the age of fifteen Allen Wardner became the apprentice of Dr. Isaac Green of Windsor in the drug and mercantile business. Hoping to secure an appointment as cadet in the United States Military Academy, he went to Washington. Failing in this effort, he went to West Point, where Capt. Alden Partridge secured for him permission to take some subjects in the academy upon the payment of tuition fees. An offer of partnership from Doctor Green induced him to return to Windsor late in 1809. He became a prosperous merchant and a public-spirited citizen. The building of the great mill dam south of Windsor village was his undertaking. He aided in organizing the Ascutney bank of Windsor and was its first president. Mr. Wardner represented Windsor in the Legislatures of 1831, 1832, 1833 and 1842, and was a member of the Governor's Council in 1834 and 1835. To him, more than any other person was due the building of the second State House, and he served on various committees and commissions having the work in charge. During the financial depression of 1837, Governor Jenison sought the most reliable and capable man in the State for the position of State Treasurer and Mr. Wardner was his choice. During the days of "wildcat" currency he stabilized and protected the credit of the State. He married Minerva Bingham of Lempster, N. H., January 24, 1841. Twelve children were born to them, one daughter becoming the wife of William M. Evarts, a well-known American statesman. For years Mr. Wardner was recognized as Windsor's leading citizen. He died August 29, 1877.



A. Wardner

General Field left Newfane Hill about 1825, the county buildings having been removed to Newfane village, and erected in the latter the beautiful Colonial residence south of the court house which was destroyed by fire a few years ago. Here he spent the remainder of his life. To the west of the Field mansion between it and Union Hall stood the law office of General Field. Here after his days of practice were over were collected his mineralogical specimens. Several years ago this building was removed.

Mr. Field died in Newfane October 3, 1833, and was buried in the family vault in the village cemetery.

WILLIAM C. BRADLEY

1782-1867

William C. Bradley of Westminster is regarded by many as the greatest lawyer Windham county has produced. He was born at Westminster, March 23, 1782. He was a precocious child and began to write poetry at six; at nine he had read the Bible through seven times; was fitted for college at eleven; at twelve published his first prose works, and at thirteen entered Yale. He was expelled from college during the early part of his course, on account of some mischief for which he was not responsible, but in spite of this treatment and the coldness shown him by his father on account of his expulsion, he resolved to become a learned man notwithstanding the lack of a college education. So he entered the law office of Judge Simeon Strong at Amherst where he studied until his tutor was appointed Judge of the Supreme Court of Massachusetts when he returned to his father's office in Westminster and concluded his legal studies there. At the age of seventeen he was appointed to deliver the Fourth of July oration at Westminster which included an original ode. He was admitted to the bar at the age of twenty, but was refused permission to practice in the Supreme Court on account of his youth but an appointment by the Legislature as attorney for Windham county secured him access to the Supreme Court. This office he held for seven years. At twenty-four he represented Westminster in the Legislature (1806 and 1807); at thirty he was a member of the Council, and at thirty-two a representative in Congress. At the expiration of this term in Congress he was appointed Agent of the United States under the treaty of Ghent for fixing the Northeastern Boundary. This was the greatest service of his life and it consumed five years. He was afterward elected to Congress for two terms (1823-1827). He was a member of the Legislature in 1852 and a Presidential Elector in 1856, casting the vote of his State for John C. Fremont, and was a member of the State Constitutional Convention in 1857.

He took a prominent place in Congress, and enjoyed the confidence and respect of Daniel Webster who entered Congress with him in 1812. He performed all his public duties with fidelity and ability. He was a great scholar, the master of several languages and a great wit but was essentially a lawyer, devoted to the law for the sake of its philosophy, its principles and its justice. In the examination of witnesses he was fair and took no more of the court's time than was necessary. His arguments to the jury were earnest and effective, abounding in eloquence and wit, but were never abusive. Once an admiring clergyman complimented him on the earnestness of his appeal to the jury, and asked him why the clergy were not as eloquent as the lawyers. To this Mr. Bradley replied: "It is because we are so much nearer the judgment than you are."

He was in practice for fifty-five years. His last case was argued at the February term, 1857. He said that judging by the length of the lives of his ancestors he should live ten years longer and these he proposed to devote to reflection and repose. Accordingly he informed the bar that he should cease practice and should not go to Newfane again. The lawyers and officers of the court gave him a farewell supper at Newfane on this occasion, at which were present Judges Isaac F. Redfield, Pierpoint, Barrett and Aldis, the leading members of the bar from Windham county, and other distinguished citizens. Of this party, made up of forty men, none survive. Col. Kittridge Haskins of Brattleboro and Gen. Lewis A. Grant of Minneapolis were the last of the party to pass from among the living.

Whoever visits the court room at Newfane is at once impressed by the full-length portrait of Father Bradley hanging on the north wall. This was the gift of the bar and the officers of the court. At the April term, 1854, Mr. Bradley had made an exhaustive and powerful argument before the jury and as he stepped along to resume his chair he staggered and trembled violently, whereupon Oscar L. Shafter, then of Wilmington, sitting at the table, wrote a subscription paper providing for the raising of money to secure the portrait of Mr. Bradley for the court house, all feeling that he would not be with them long. Enough was raised to secure the portrait. It was painted in 1855 by Tenney of Boston, who came to Westminster to do the work.

Mr. Bradley had so calculated his forces that the ten years which he had allotted to himself for reflection and repose were shortened by only nineteen days. He died at Westminster March 4, 1867, in his eighty-fifth year.

JONATHAN DORR BRADLEY

1803-1862

Jonathan Dorr Bradley, son of William C. Bradley and grandson of Stephen R. Bradley, was born at Westminster, Vt., in 1803. He graduated at Yale College and fitted for the legal profession. He began practice at Bellows Falls but later moved to Brattleboro where he spent most of his professional life. He died here in September, 1862. In some specialties Mr. Bradley had no equal at the bar. His knowledge of mechanics rendered him an almost inexhaustible source of information upon matters often imperfectly understood even by the learned. It was a great delight to him to discover and bring to light a hidden or obscure truth. But his mental exercises in the sciences did not render him a less formidable antagonist in debate. In his earlier days he acted with the Democracy but before the Civil War he left the old party and in 1856 and 1857 represented Brattleboro in the Legislature. Here he took a leading part and became noted for his action on the State House question. He was on the first board of directors of the Vermont and Massachusetts Railroad Company and he was conspicuous in forwarding the construction of the road into Brattleboro. Mr. Bradley was successful as a public speaker and seemed to be a perfect master of the science of adaption to all grades of intellects. He was a great wit. Once Roswell M. Field reproved him for not giving the Yankee proof of success in life. "Roswell," said he, "I have laid up my treasures in Heaven where moth and rust doth not corrupt nor thieves break through and steal."

Coming hastily into the office of Mr. Field on another occasion he inquired for Chitty on Contracts. "What do you wish to know?" replied Mr. Field, placing one finger on his forehead, "I carry my book here." "I see," said Mr. Bradley, "bound in calf."

He once received from a friend a noble mastiff, to which he became much attached. About the same time a bill was introduced in the Legislature to tax dogs, which called forth the following poem from Mr. Bradley. It had the effect at two sessions to defeat the bill, which did not pass until after Mr. Bradley's decease:

To My Dog Jowler

Jowler! they have taxed you honest friend!
Assessed you, put you in the roll,
To exile every dog they'll send,
Unless some friend will pay his poll.

By all that's good, the rascals meant
Betwixt us two to breed a strife,
And drive you into banishment,
Or bribe your friend to take your life.

But Jowler! Don't you be alarmed!
If politicians do neglect you,
Confound their tax! You shan't be harmed.
I know your worth and I'll protect you!

But taxes by the Constitution
Convey the right to represent,
So dogs, by this same resolution,
Might just as well as men be sent.

Now, dogs and men and voters hear!
That Jowler's put in nomination
To go upon the coming year,
And aid in public legislation.

On Mr. Bradley's death resolutions were passed at the meeting of the bar at the United States Circuit Court for the District of Vermont, in which reference is made to his distinguished abilities as an advocate, his varied and elegant acquirements as a scholar, his genial and attractive qualities as a man. A leading Vermont newspaper in seeking with his nearer associates to lay a small tribute of worth upon his fresh-made grave, referred to his death as a "public calamity."

CHARLES K. FIELD

1803-1880

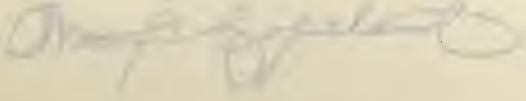
Charles K. Field, eldest son of General Martin and Esther Smith (Kellogg) Field, was born on Newfane Hill April 24, 1803. He fitted for college at Amherst, Mass., the home of his mother's parents, and entered Middlebury College at the age of fifteen, graduating in 1822. After studying law in the office of his father for three years he was admitted to the bar in Windham county and commenced practice in Newfane. In 1828 he removed to Wilmington, where he resided for ten years representing that town in the Legislature in 1835, 1836, 1837 and 1838. He was a delegate from Wilmington in the Constitutional Convention in 1836. In 1838 he returned to Newfane where he resided until 1861 representing the town in the Legislature in 1853, 1854, 1855 and 1860; he also represented it in the Constitutional Con-

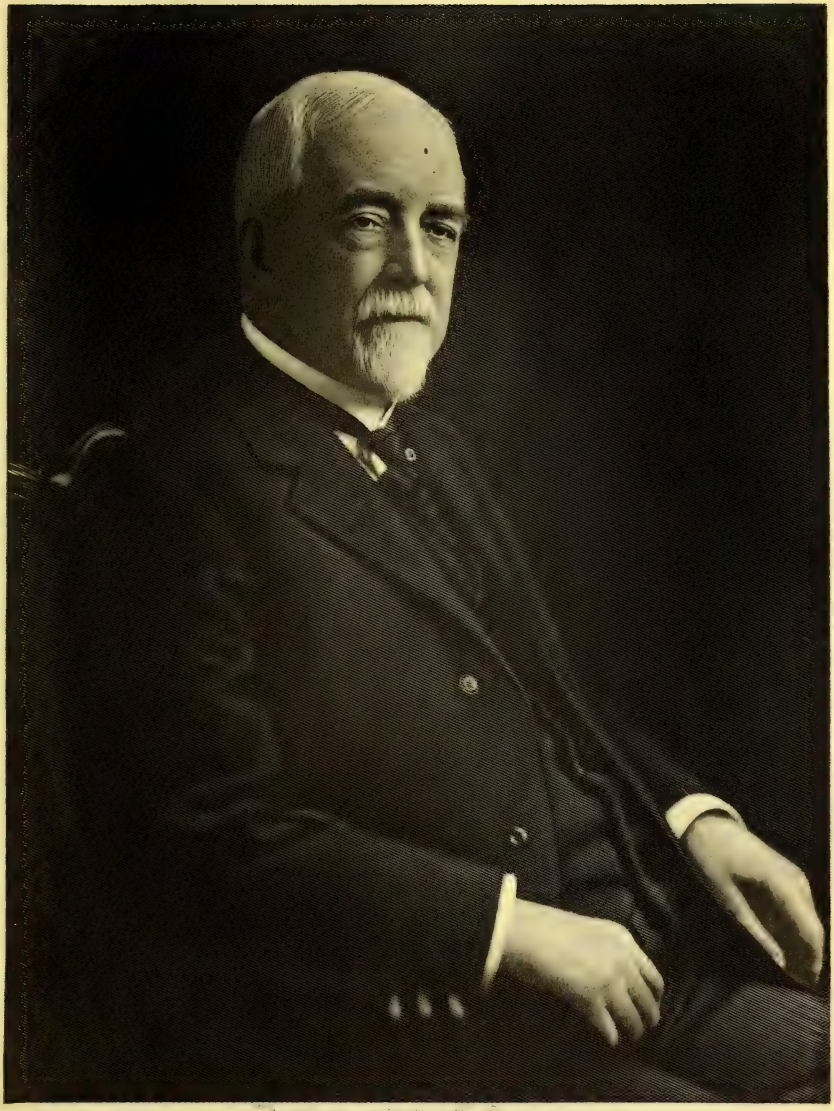
1851 and passed. The special pleas which Mr. Field drew in Torrey v. Field, 10 Vermont Supreme Court Reports, 353, were declared by Judge Story to be masterpieces of special pleading. These contributions, with the exception of a multitude of briefs in cases reported in the Vermont and Missouri reports, are all the memorials of his learning.

Mr. Field was an accomplished scholar. He read Greek, Latin, French, German and Spanish, and had an extensive acquaintance with English literature and general science, but it was as a lawyer that he won his greatest distinction. While having to contend with men like Benton, Gamble and Bates in Missouri, to none of these was he second in legal attainments, sound judgment and keen foresight. His opinions always had great weight with the Supreme Court, and at the time of his decease he was esteemed as the ablest lawyer at the Missouri bar. He gained a national reputation in the famous Dred Scott case which was brought in the State Court of Missouri by another lawyer of the same name and later transferred by Mr. Field to the United States District Court of Missouri where he tried the case for the negro. When the appeal was entered in the United States Supreme Court he turned the case over to Montgomery Blair, who was residing in Washington at the time, who appeared with numerous other counsel for the defendant in error. During the dark days of the Civil War Mr. Field was one of the strong men to save his city and State from Confederate control. In social relations he was genial and entertaining, possessed great conversational powers, abounding in witty and sarcastic observation and epigrammatic sentences; he was elegant in manner and refined in deportment, an accomplished musician and a lover of children. He was confiding and generous until his last years, when he became reserved and distrustful. He was utterly devoid of all ambition for power or place and uniformly declined all offers of advancement to the highest judicial honors in his State. Had this element supplemented his other remarkable gifts his fame might well have become national. His recreation was in study, perusal of the Greek and Latin classics being his most delightful pastime. He was averse to physical exercise, and for years before his death lived a life of studious seclusion, and at an age when many men are at their best died of physical exhaustion. At a session of the Supreme Court of Missouri, held shortly after his death, he was eulogized as "one of the brightest ornaments" of the Missouri bar. Eugene Field, the humorous writer and poet, was his son.

HENRY CLAY COPELAND

Born in Middletown Springs, Vt., May 23, 1844, being the son of Lucius and Minerva (Skinner) Copeland. He secured a position in a bank in Poultney in 1867. From 1868 to 1870 he was employed in a New York bank, and from 1870 to 1883 was cashier of the First National Bank at Brandon, Vt. He assisted in organizing the Sprague National Bank of Brooklyn, N. Y., and was its cashier for two years. In 1885, he founded the Minnehaha National Bank of Sioux Falls, S. Dak., and in 1887 he was the founder of the Riverside Bank of New York City. He was the cashier of this institution from 1887 to 1894 and its president from 1894 to 1903. He is a director and secretary of the Steel Ores Mining Company, and secretary, treasurer and director of the Acetylene Samples Company. Since 1903 he has been actively interested in real estate in New York City and Haworth, N. J. He is a member of the West Side Republican Club, the Union College Alumni Association, the Broadway Association of New York City and the West End Association. Mr. Copeland was married October 10, 1866, to Julia A. North of Chazy, N. Y. Three children were born to them, Lucy M. (now Mrs. Adams), Henry F. and Frances L. Mrs. Copeland died in 1890 and on September 1, 1892, Mr. Copeland married Marie K. Hinds of New York City. In 1922 Mr. Copeland established at his birthplace two memorial funds of five thousand dollars each, in honor of his father and mother, one for the benefit of the Congregational Church and one as a cemetery fund.





Henry C. Copeland

JOHN E. BUTLER

1809-1867

John E. Butler, son of Aaron and Lucinda (Howard) Butler and uncle of Superior Judge Fred M. Butler, was born at Jamaica, December 14, 1809, and died at Beaufort, S. C. May 9, 1867. He attended the district schools in Jamaica and Leland and Gray Seminary at Townshend; studied law in Townshend and Whitingham and was admitted to the bar in Windham county at the April term, 1837. For a year he practiced with his preceptor, Horace Roberts, at Whitingham and on the death of the latter in 1838, and after that time and until 1843, practiced alone at Whitingham. He was Postmaster from 1838 to 1843 in the latter place. While residing here, mainly through his efforts, an academy was built. In July, 1843, he removed to Jamaica and began practice. He represented the town in the Legislature in 1848, 1849, 1851 and 1853. In the last-named year the West River Bank was incorporated. It was organized in 1854 and located at Jamaica. Of this he was elected cashier and remained as such until his decease. He formed a law partnership with Benjamin L. Knowlton, which was dissolved by the latter's death in 1855. He afterwards formed a partnership with Judge Hoyt H. Wheeler, which lasted until his death. He was a member of the Constitutional Convention in 1859 and was a State Senator from Windham county. In 1861 he was a prominent candidate for Governor, but the nomination went to Frederick Holbrook of Brattleboro.

As a lawyer, Mr. Butler stood in the front rank. For the preparation of causes for trial, the arrangement and putting in of testimony, and the cross examination of witnesses, he had no equal in Windham county. I vividly recall what my father told me when I was a small boy about his exceptional talent as a cross examiner and have ever since had a pity for the unfortunate victims of his art, who tried to keep the truth from his far-seeing eye. He was wise as a legislator, public spirited as a citizen, kind and accommodating as a friend and neighbor.

ALPHONSO TAFT

1810-1891

Alphonso Taft, father of President William H. Taft, was one of the great lawyers reared in Windham county. He was born at Townshend, November 5, 1810, and died at San Diego, California, May 21, 1891. He attended the district schools and afterwards taught and tutored for a time in his native town. When he had earned enough money to pay his tuition he entered the academy. When

nineteen years of age he entered Yale College where he graduated with high honors, studied law and started out to make his way in the world. He removed to Cincinnati, Ohio, in 1840, and began the practice of his profession. He was a pioneer in the organization of the Republican party and a delegate to the National Convention that nominated John C. Fremont in 1856. He was Judge of the Supreme Court of Cincinnati from 1865 to 1871; Secretary of War under President Grant from March 8 to May 22, 1876, when he was transferred to the office of Attorney General where he served nearly two years. He was appointed, April 26, 1882, Minister to Austria and two years later Minister to Russia. He resigned in August, 1885, and returned to the United States. At different periods he was a member of the Cincinnati Council, a trustee of Yale, and a trustee of the University of Cincinnati. He was a man of high principle, rugged honesty, sterling integrity, and withal a strong and able man. It was his custom after moving to Cincinnati to visit his old home once in two years. His tall form and gracious manner I pleasantly remember as I saw the aged lawyer with paper and pencil in hand, in the Probate office at Bellows Falls in 1889, noting down the friends of long ago from among the records as he was about to make his last visit to West Townshend with a son and daughter. He was twice married; first, to Fanny Phelps of Townshend, daughter of Charles Phelps, a prominent lawyer, and after her death to Louise Maria Torrey of Millbury, Mass. The first child by the second marriage was President Taft.

OSCAR L. SHAFTER

1812-1873

Windham county never produced an abler lawyer than Oscar L. Shafter, who was born at Athens, Vt., October 19, 1812. He fitted for college at Wilbraham Academy, graduated at Wesleyan University in 1834 and studied law at Harvard University. He began the practice of his profession at Wilmington in 1837, where he remained until 1854. In that year he removed to San Francisco, whither he was called by Halleck, Park, Peachey and Billings, leading lawyers of that city, to take charge of their important cases. This employment was at first on a salary of $10,000 a year but when Mr. Shafter found that his firm received more than that amount for the first case he argued he proposed at the end of the first year that he be admitted to the firm as a partner. He was admitted to the firm and remained until 1864, when he became a Judge of the Supreme Court. The firm to which he belonged was a notable one. At its head was Gen. Henry W. Halleck, one of the brainiest men on the Pacific Coast;

the second member was Trenor W. Park, father of Mrs. John G. McCullough, who later resided in Bennington. He was a great financier and a wise man of affairs. Frederick Billings was the last member of the firm. He afterwards removed to Woodstock where he was honored and respected as one of Vermont's greatest men. In 1867 Judge Shafter resigned as a member of the Supreme Court on account of failing health and later he sought to regain this by a residence in Italy, where he died January 23, 1873.

He was a man of profound legal learning. He early took a position of leadership in Windham county and was employed in the important cases here when he left for California. In the new field of his labors he was called upon to take charge of cases of great importance. In many of the cases which he tried in California the old Spanish titles were involved. These called for special skill and scholarship, which Mr. Shafter bestowed to the great advantage of his firm. His high standing at the bar is attested by his elevation to the bench at a time when the bar of California was rich with the best lawyership that the East could send to the new State.

Judge Shafter made occasional addresses of a high order. One of these was delivered at Putney in 1835 on "Temperance," and another before the Alumni of the Pacific Slope at Oakland, Calif., in 1866, on "Human Progress; Its Relations to the Reason, Acting in Right Method."

Hon. James McM. Shafter, brother of Judge Shafter, was Secretary of State for Vermont, 1842-1849. He, too, removed to California and was a distinguished lawyer.

ALBERT M. ALLBE

1821-1916

For many years one of the oldest Vermont lawyers was Albert M. Allbe, who was born at Westminster, November 13, 1821, and died at Bellows Falls, February 18, 1916. He attended school in Bellows Falls and at Walpole Academy. After graduating at the latter school he entered the law office of William C. Bradley, then the leading lawyer in Windham county, at Westminster. He was admitted to the bar May 7, 1843, and to practice in the Supreme Court in 1846. In 1845 he located at Londonderry, but his health failing he left for California in 1852, where he prospected for gold but not with great success. Later he tried grain raising on a ranch south of San Francisco. In 1855 he returned to Londonderry. His father died that year and he returned to Westminster, where he remained until 1861. From 1861 to 1865 he was located in Fitchburg, Mass., and from

1865 to 1874 in Londonderry. In the latter year he removed to Springfield, Vt., where he practiced law until 1906, when he retired because of his advancing years, and removed to Bellows Falls, where he remained until his decease.

Mr. Allbe was a grandson of the Revolution, his grandfather, Thomas Messen, having fought in that war. He was a charter member of the Vermont Bar Association, a member of the Sons of the American Revolution, a Mason, and a communicant of Immanuel Church at Bellows Falls.

He married Mary C. Waite of Londonderry, who died on Friday afternoon, January, 1916, three days preceding the death of Mr. Allbe. They had been married upwards of seventy years and were the oldest married couple in Vermont, if not in New England. Mrs. Allbe was born in Andover, this State, July 3, 1825. Her grandfather was Major Waite of the Continental Army, whose funeral was long remembered as one of the largest ever held in Westminster. Her father died in his ninety-ninth year and her mother when she was eighty-eight. It was the proud boast of Mrs. Allbe that for sixty-eight years of her married life she kept house without hiring help of any kind. Three children survived their parents, Mrs. Fred A. Pierce of Fitchburg, Mass., Clara A. Allbe, widow of Dr. E. S. Allbe of Bellows Falls, and Mrs. A. C. Spear of Beverly, Mass.

On the invitation of the late Clarke C. Fitts, who was then president, Mr. Allbe was a guest of the Vermont Bar Association at the annual meeting held at Montpelier in 1913, and spoke at length at the banquet. He was then in his ninety-second year. He stood erect without apparent fatigue and spoke without notes for nearly half an hour, never halting for a word as he discussed the men and customs of the early days in Vermont. He seemed like the real Nestor, "from whose lips," said Homer, "words flowed sweeter than honey. In his time two generations of speaking mortals had passed away and he was living among the third."

For twenty-five years Mr. Allbe was an invalid and unable to follow his profession. He became so poor that he feared he must call for aid from the town, but health came again and he returned to his professional work and outlived all of his generation.

CHARLES B. EDDY

1829-1893

After the passing of Charles N. Davenport in 1882, Charles B. Eddy, of Bellows Falls, became the leader of the Windham county bar and he retained the position until an illness in the winter of 1890-1891 incapacitated him from further service at the bar. He was

born at Rockingham, Vt., July 27, 1829, the son of Charles Eddy and Lucy (Rollins) Eddy. His father was a farmer; his mother a school teacher and a woman of remarkable mental qualities and acquirements. Charles B. Eddy's education was acquired in the common schools and in the academies at Chester and Springfield. At the age of sixteen he was teaching the district school during the winter, preparing for a fall term of academy instruction, and thus alternating until for some years he pursued almost uninterruptedly the vocation of a teacher. Among his fellow students at Chester Academy were the late Gilbert A. Davis of the Windsor county bar, Gen. Lewis A. Grant of Minneapolis, Edwin H. Stoughton and Charles B. Stoughton, afterward leading lawyers. In 1849 he was married to Sarah M. Spaulding of Cavendish, and immediately removed to New Jersey, where both he and his wife were engaged as teachers in the public schools until 1857. During this time he was registered as a law student in the office of Stoughton and Grant at Bellows Falls and was diligently pursuing his legal studies. Leaving New Jersey in 1857, he came to Bellows Falls and continued his studies in the office named and was admitted to the bar in Windham county at the April term, 1858. He was twenty-nine years old. The first year he remained in the employment of his preceptors at a dollar a day or less, but said afterward that he never lived so well or happily as during that first year. The following year he opened an office for himself in Bellows Falls, where he resided during the remainder of his life. Mr. Eddy was pre-eminently the lawyer, and his reputation was not confined to his own county or State. Much of his practice was in the adjoining State of New Hampshire. While he excelled as a counsellor and an examiner of witnesses, he surpassed in his method and power as a jury advocate. When the sympathies of his enfolding nature were aroused his eloquence was irresistible. Invective was swiftly and unsparingly employed, he would feelingly picture the sufferings of humanity and make the minds and hearts of the men in the jury box the receptacles of his own thoughts and emotions. He was an orator by nature and his speech flowed on fluently and dramatically rising at times to heights of eloquence. His strong, gracious face and attractive personality added much to his discourse. Once a brother attorney told him he could overcome his argument better than his face. During his leadership at the bar he was the senior counsel in most of the trials in his own county and tried many important cases in Windsor and Bennington counties in Vermont, and in Cheshire county in New Hampshire. Mr. Eddy held the office of State's Attorney for Windham county in 1866-1867 and was State Senator in 1870-1871. He did not aspire to other offices, but contented himself with the law. He was, notwithstanding, an ardent

partisan and this element in his nature arrayed him strongly on his client's side when engaged in a case. Mr. Eddy was a companionable man, was fond of children, a devoted husband and kind father. An illness in the winter of 1890-1891 was followed by paresis, from which he died at Bellows Falls, June 5, 1893. One of his sons, Charles F. Eddy, an able lawyer, located in Boston.

CHARLES N. DAVENPORT

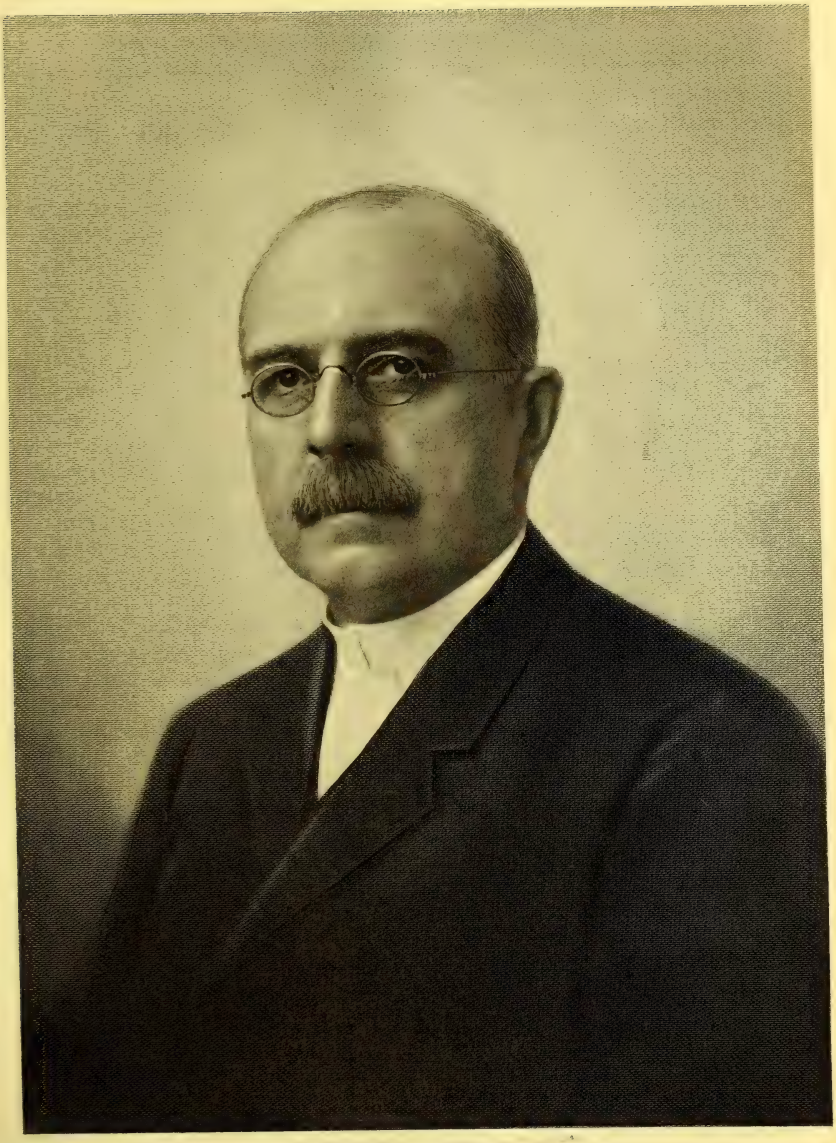
1830-1882

Charles N. Davenport was born at Leyden, Mass., October 20, 1830. He received his education in the common schools and at the Shelburne Falls Academy and Melrose Seminary, West Brattleboro. He entered the office of Oscar L. Shafter of Wilmington as a student March 10, 1851, and was admitted as an attorney at the April term, 1854, of the Windham County Court. On his admission he formed a partnership with Mr. Shafter which continued until November 10, 1855, when Mr. Shafter removed from the State. On the admission to the bar of Col. Kittredge Haskins in April, 1858, he became a partner of Mr. Davenport and remained as such until April, 1861. Mr. Davenport remained at Wilmington in active practice until his removal to Brattleboro in March, 1868, where he ever after resided. Here he found a large field for his unusual talents, and correspondingly larger responsibilities. Desiring to be relieved of a portion of his increased business which was overtaxing both his mental and physical powers, in 1875 he took into partnership Jonathan G. Eddy under the firm name of Davenport and Eddy. This co-partnership continued until January 1, 1882, when, with a view of regaining his health, which had become seriously impaired, he disposed of his business to Judge James L. Martin, the firm becoming Martin and Eddy. After relinquishing his law practice Mr. Davenport devoted himself to the lumber business and became interested in a steam saw mill in Newfane which he installed in my father's wheelwright shop. He was much out-of-doors and had partially regained his health when he caught a severe cold from which, with other complications, he died April 12, 1882.

He was the leader of the Windham county bar for many years preceding his retirement from practice and was a man of unusual force and ability. He was of commanding figure, being six feet three inches tall and weighing two hundred and thirty pounds, and his mental powers corresponded with his physical ones. He was compelled to measure swords with some of the best men in the profession, and in the combat was not found wanting. His practice became a large one and

ALBERT G. FARR

Born in Brandon, Vt., December 3, 1851. His father, Flavius Josephus Farr, and his mother, Chastina Eliza (Buck) Parkhurst, were likewise born in Vermont, as were three of his grandparents. Mr. Farr received his early education at the Brandon Seminary. On January 20, 1868, the family moved to Columbus, Ohio, where he graduated from the Central High School with first honors in 1870. His father's ill health made it impossible for him to go East to a technical school, as he had intended, so he began teaching mathematics and physics in the High School at Columbus during the next school year and continued there until June, 1881. He was principal of the school for the last two years of this period. On July 23, 1873, he married Alice Parkhurst of Berlin, Wis., who died in 1888. They had one daughter, Shirley. He married (2d) Lottie Louise Snow, of Chicago, in 1890, who died in 1911. In 1881 Mr. Farr went to Chicago and became clerk for the law firm of Willard and Driggs. He was admitted to the Illinois bar in 1882. His law practice early brought him into contact with N. W. Harris, and in 1891 he became a partner in N. W. Harris and Company, bankers and bond dealers, Chicago, New York, and Boston. In 1907 he became a director of the Harris Trust and Savings Bank, Chicago, and later first vice-president and chairman of the board of directors. He was also a director of Harris, Forbes and Company of New York and Boston. Mr. Farr was a very loyal Vermonter and for many years the family spent the summer months in Brandon. Mr. Farr was generous in contributions of time and money to the interests of his native town and was largely instrumental in securing the erection of the Stephen A. Douglas memorial at Brandon. He died of pneumonia on December 22, 1913.



he counted his clients not alone in his own county and State but in other States. His manner of stating legal propositions was clean cut, comprehensive and epigrammatic. His briefs and arguments were the fruit of careful study and wise reflection but he was most celebrated in the skill and force of his presentation. The bar did not regard him as great as a lawyer as it did as an advocate and this opinion was shared by Senator Edmunds, who had met him in practice. When the Senator was told that he had gone into the lumber business he replied, dryly: "I hope he gets out his lumber straighter than he did his law." He tried his case to win and would contend as though life itself were at stake. He possessed a logical mind, had an easy flow of plain and simple language to which all listened with pleasure and profit. When thoroughly aroused his imagination would glow with poetic fire and his voice quiver with intensity of feeling. At such time his magnetism would hold spell-bound those who were within the reach of his eloquence.

I could imitate his way of speaking as a boy and once in the trial of a mock case at Townshend I made use of it and drew from my teacher in elocution the flattering compliment that she had not before realized what the voice of Daniel Webster was like.

He was kind of heart and good to the poor and gave his services to poor clients that he thought were being wronged, but he was very rough in manner and when in a rage would swear like a trooper. He used oaths, too, in his daily intercourse with men, all unconsciously no doubt, and was accustomed to employ them in introducing some epigrammatic speech which was characteristic of him. Once a traveling man called to get advice about some legal question and turned to go, after thanking Mr. Davenport for his pains, but was brought up with the admonition: "By G—, young man, that kind of coin isn't current in this office," whereupon he was handed a dollar by his visitor and replied: "That is more like it." My father was a very shy man, polite and courteous and anxious always to do the genteel thing. He wanted to consult a lawyer and went to the office of Mr. Davenport, but not being unfamiliar with business conventions, knocked at his door. Mr. Davenport roared at him from within: "Come in." When he walked into the presence of the great lawyer he received this reprimand: "G— d— you Fish, don't you know any better than to knock at a lawyer's office?"

Mr. Davenport was a Democrat and so did not hold public office. He was not successful as a politician although eminently so in his profession. His attachment for his home and family was deep and abiding. His friendship was warm and permanent. He was twice married. By his first marriage were born Charles H. Davenport, for a long time the editor of the *Windham County Reformer,* and Herbert J.

Davenport, who studied for the law but never practiced. Both have recently died.

KITTREDGE HASKINS

1836-1916

Kittredge Haskins of Brattleboro was for a long time prominent as an attorney in Windham county. He was born at Dover April 8, 1836, and died at Brattleboro, August 6, 1916. He was educated in the common schools and by a private tutor, and studied law in the office of Charles N. Davenport at Wilmington. He was admitted to the bar in Windham county April 14, 1858, and remained in practice until his decease. He was State's Attorney in 1871 and 1872; United State's Attorney for the District of Vermont from October, 1880, to July, 1887. He enlisted in 1862 in Company I, Sixteenth Regiment, Vermont Infantry, was commissioned First Lieutenant the same year, and resigned on account of disabilities the year following. He was Post Adjutant to Lieutenant Colonel Stoughton, the Brigade Commander; he also acted as Adjutant and Quartermaster. He was appointed Colonel by Governor Washburn in 1869. He represented Brattleboro in the Legislature in 1872, 1896 and 1898 and was Speaker at the war session and regular session the last year. He was State Senator in 1892. He was elected to Congress in 1900 and served until March 4, 1909. He was a thirty-third degree Mason and prominent in the Episcopal Church.

Colonel Haskins was a brilliant man and a fine jury advocate. He was an eloquent speaker and his services were in demand during presidential campaigns and on patriotic occasions. He had a good standing at the bar and his career in Congress was more than usually successful.

LAVANT M. READ

1842-1902

After the death of Charles B. Eddy, Judge Lavant M. Read became the leading lawyer in the north half of Windham county. He was born at Wardsboro, December 26, 1842. He was educated in the common schools of his native town and at Leland and Gray Seminary at Townshend, studied law with Judge H. H. Wheeler at Jamaica and was admitted to the bar in Windham county in 1869. He formed a partnership with his tutor which continued until 1872, when he re-

moved to Bellows Falls where he resided until his death, which occurred June 17, 1902. He was elected to the Legislature from Jamaica in 1870 and from Rockingham in 1892. In 1876 he was elected Judge of Probate for the Westminster district and continued to hold this office until his death.

He enlisted in Company H, Second Vermont Volunteers, in 1863, was in the battles of Rappahannock Station and Mine Run and of the Wilderness. He was wounded in the last named engagement and was discharged August 20, 1865.

He was conspicuous in the Masonic order, where he held the office of Master in the Mount Lebanon Lodge at Jamaica and of Grand Master, Grand Secretary and Grand Dictator in the Grand Lodge. He was the first Commander of the E. H. Stoughton Post, No. 34, G. A. R., at Bellows Falls. In 1892 he was elected president of the Vermont Bar Association.

Judge Read was an excellent lawyer, an accomplished surveyor and a public-spirited and useful citizen. His capacity for work was unusual and his executive ability exceptional. In common with the other men who practiced at Jamaica in his time, Judge Wheeler and Judge Waterman in particular, he was an excellent penman. This gave a finish to the papers that left his office in the days before the typewriter came into use. He kept his own records as Judge of Probate before I entered his office in 1888 and after I left the office, and in a single day would fill forty pages with copies of the files of the office. He had such confidence in the correctness of his work that he never stopped to correct it and instructed me to follow the same plan when I did the recording. It is needless to say that the office work of such a man was well kept up.

He was nervous in court and ill at ease in trying cases but he tried them well in County Court, always on their merits, and usually with good success. In the Supreme Court he was regarded highly and listened to with great respect.

He was the soul of honor, loyal and steadfast as a friend, and had a high regard for the ethics of the profession. He burned with indignation when a client called at his office and told him that he had come to hire a "liar" to take care of his case.

CHARLES H. ROBB

1867-

Charles H. Robb of Bellows Falls is one of the men of the bar in Windham county who has achieved brilliant success. He was born at Guilford, November 14, 1867, the son of Isaac and Clara Slater (Matthews) Robb. He obtained a preparatory school education,

mainly at Brattleboro, studied law in the office of Kittredge Haskins at Brattleboro and was admitted to the bar in 1889. He located at Bellows Falls, where he practiced from 1894 to 1902. He held several minor offices and was State's Attorney of Windham county from 1896 to 1898. He was Assistant Attorney General for the Post Office Department during the investigations of 1904-5; Assistant Attorney General of the United States in 1905-6, and has been Associate Justice of the Court of Appeals of the District of Columbia since 1906. In connection with his duties at Washington before he came to the bench Judge Robb conducted the prosecution of Senator Burton of Kansas for frauds against the Government and procured his conviction. His appointment as Judge was made by President Roosevelt, who discovered in the efficient prosecuting officer the right material for the Court of Appeals.

CLARKE C. FITTS

1870-1916

Clarke C. Fitts was born in Wardsboro, October 17, 1870. He was educated in the public schools, at Leland and Gray Seminary at Townshend, and at the Brattleboro High School where he graduated in 1886. This was the extent of his preparation for the law. He entered the office of Waterman, Martin and Hitt as a student and was admitted to the bar October 22, 1891. He opened an office at once at Brattleboro where he ever after resided and practiced his profession. He was State's Attorney of Windham county from 1894 to 1896; represented Brattleboro in the Legislature in 1904, and was Attorney General from 1904 to 1908.

From the first he attracted attention as an aggressive and promising lawyer. He soon had a large docket and his early trials marked him as a man of talent. He became by general consent the leader of the House in 1904 and at its close commenced his career as the first Attorney General of the State, a place to which he had been elected by the Legislature. In the one important office which he held he displayed great constructive ability and filled it to the general satisfaction of the State. This brought him into prominence especially as a trial lawyer and at the end of his second term he declined to be a further candidate for the office, preferring to devote all his time to private practice. A large and profitable business awaited him. This, in large part, came from important business and corporate interests. His clientage soon extended over his own State and to New Hampshire, Massachusetts and New York. He was frequently called on to try cases in these States and he argued

several cases before the United States Supreme Court at Washington, the last one being that of the State of Vermont v. the Clement National Bank.

This case was brought to recover a tax assessed under the State law on the savings deposits of the defendant. The bank opposed the collection of the tax on the ground that being a Federal institution the assessment was in contravention of the United States Constitution. Maxwell Evarts of New York and Marvelle C. Webber of Rutland appeared for the bank. The decision was in favor of the State.

He fitted up over the Vermont National Bank the finest law offices in Vermont. On the second floor a large office room richly furnished and equipped was used by Mr. Fitts, while opening from it were rooms for his associates, Hermon E. Eddy and Harold E. Whitney, together with rooms for several stenographers. On the third floor and over the main office he located his library, one of the largest and best private law libraries in Vermont. Here for much of the time he employed an expert lawyer in examining the law and making briefs. His was the best equipped office in Vermont for the discharge of a large, special business throughout a wide area.

Mr. Fitts possessed a remarkable mentality. As a small boy in his father's country store he was accustomed to out-argue the old men who exchanged views there. His first years in the profession were marked by great courage and boldness and it was not long before his talent was recognized and his services were sought in important litigation. His capacity for the acquisition of facts and details was phenomenal and his memory was no less remarkable. He carried in his head a chain of titles of sixty or more transfers covering a period of a hundred years in the Marlboro Pond case and could give the details of each deed. He could follow a question of law with the same facility and cite from memory a long list of authorities. These qualities and a native persistency made him an exceptionally good jury lawyer before whom he tried cases with great force, earnestness and ability, and they made him likewise one of the strongest advocates before the courts of review.

He took a keen interest in developing the natural resources of Vermont, and the great dam at South Vernon and the large enterprises of the Deerfield River are monuments to his initiative. He took a leading part in all public enterprises in Brattleboro and lent his powerful aid to the movements that looked to the betterment of his State.

While engaged as a speaker in the national campaign in behalf of the Republican cause in the fall of 1916 Mr. Fitts was warned by his suffering of a serious physical infirmity and on examination a diseased condition of the pancreas, liver and gall bladder was discovered.

Although the early results of an operation seemed favorable a cancerous condition developed causing his death on December 20, 1916.

ORA E. BUTTERFIELD

1870-1916

Ora E. Butterfield, the brilliant classmate of Clarke C. Fitts at the Brattleboro High School, was born in Brattleboro in 1870, the only son of Oscar H. and Roselia (Elmer) Butterfield. He died in New York December 23, 1916. After his graduation at the high school he took a post-graduate course for a year and later graduated from the Childs Business School in Springfield, Mass., completing the full course there in a time never equalled up to that period. After working for a year in a loan and trust company office in Greeley, Colo., he entered the law department of the University of Michigan, from which he graduated a month before he was twenty-one years old. He was admitted to the bar the day he was twenty-one.

He soon attracted the attention of the Michigan Central Railroad officials and was engaged by them in legal work. His advancement was rapid and within a few years he was made general counsel of the Michigan Central which is controlled by the New York Central system. For several years he lived in Detroit but the New York Central wanted him for important service and he was called to New York and placed in charge of the rate work of that system and in other matters in which appearance before the Interstate Commerce Commission was necessary. His title was that of General Solicitor, his position being one of the highest from a legal standpoint in the offices of the company.

It is a strange coincidence that the two ablest men to enter the legal profession from Windham county during their generation should have had so many things in common. They were born in the same year and in the same county. They graduated together at the Brattleboro High School when they were sixteen years of age. They were admitted to the bar the same year as soon as they arrived at the age of twenty-one. Each achieved brilliant success in his chosen profession. Each had deep religious convictions. Mr. Butterfield was an enthusiastic supporter of the Universalist Church, once serving as vice-president of the Universalist General Convention, the most important lay position in the denomination. Mr. Fitts was a member of the Congregational Church, an earnest and efficient helper and a teacher in the Sunday School. The two men were stricken at about the same time with the same fatal malady. Mr. Butterfield died from an infection of the gall duct and pancreas. Each was operated upon in the same month for the same cause; and while the friends of Mr.

Fitts were assembling to attend his last sad rites Mr. Butterfield passed away. His funeral occurred at Brattleboro two days later and the mortal dust of each was placed at rest in Prospect Hill Cemetery.

PRESENT MEMBERS OF THE WINDHAM COUNTY BAR

Frank E. Barber, of Brattleboro, was born in Wardsboro, April 28, 1878. He was educated in the public schools of Brattleboro, studied law in the office of his brother, Herbert G. Barber, at the same place and was admitted to the bar in 1903. He has practiced in Brattleboro since his admission, first in company with his brother Herbert and now is practicing in the firm of Barber, Barber and Miller. He was State's Attorney 1910-1912, and Judge of Brattleboro Municipal Court, 1913-1917. He represented Brattleboro in the General Assembly in 1921.

Herbert G. Barber, of Brattleboro, was born in Wardsboro August 14, 1870. He was educated in the public schools of Townshend and Brattleboro and under a private instructor. He studied law in the office of Waterman, Martin and Hitt at Brattleboro and was admitted to the bar in 1893. He practiced at Wilmington from 1894 to 1896 and since 1896 has practiced at Brattleboro. He is a member of the firm of Barber, Barber and Miller. He was State's Attorney from 1898 to 1900; member of the House in 1908; Senator in 1912, and Attorney General, 1914-1919.

Oscar M. Baker, of Bellows Falls, was born at Wallingford, September 9, 1847. He was educated in the common schools of Wallingford and Danby and at the Wallingford High School. He studied law in the office of Henry Hawkins at East Wallingford and was admitted to the bar in 1886. He practiced at Cuttingsville from 1886 to 1892 and since 1892 has practiced at Bellows Falls.

Almon I. Bolles, of Bellows Falls, was born at Bellows Falls, March 15, 1871. He was educated in the schools of Bellows Falls and studied law at the University of Virginia and in the office of his father, Francis A. Bolles, at Bellows Falls. He was admitted to the bar of Vermont in 1898 and to the bar of New Hampshire in 1904. He has practiced at Bellows Falls since his admission. He has held several local offices, including that of Town Clerk.

Albert W. Butler, of Jamaica, was born at Jamaica, January 3, 1879. He was educated in the public schools of Orange, Mass., at Leland and Gray Seminary, and at the University of Vermont, where he graduated in 1901. He studied law in the office of Butler and

Moloney at Rutland and was admitted to the bar in 1904. He has always practiced in Jamaica, where he has been Town Clerk and Treasurer since 1905. He represented Jamaica in the General Assembly in 1921.

Don O. Butterfield, of Wilmington, was born at Wilmington, March 19, 1875. He was educated in the public schools of Vermont and Nebraska, studied law in the office of Oscar E. Butterfield at Wilmington, and was admitted to the bar in 1906. He has never practiced but has devoted his attention to banking and is treasurer of the Wilmington Savings Bank. He was a member of the House in 1910.

Oscar E. Butterfield, of Wilmington, was born at Wilmington, September 17, 1839. He was educated in the common schools of Wilmington, and studied law in the office of Flagg and Tyler, Flagg and Son, and Flagg and Waterman at Wilmington. He was admitted to the bar in 1867 and has practiced at Wilmington, except from 1886 to 1897, when he was in Nebraska. He was a member of the House, 1869-1870-1872 and 1884; State's Attorney, 1874-1875; State Senator, 1876-1877.

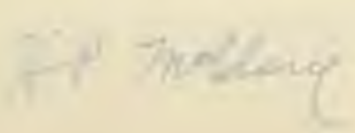
Arthur P. Carpenter, of Brattleboro, was born at Readsboro, March 31, 1867, and was educated in the common schools, Castleton State Normal School, Rochester Business University, and Boston University Law School. He studied law with Stephen T. Davenport at Brattleboro, and was admitted to the bar of Vermont in 1896, that of Massachusetts in 1897, and to the Supreme Court of the United States in 1919. He practiced at North Adams, Mass., from 1897 to 1905, and has since practiced at Brattleboro. He has been Town Agent since 1908 and was United States Marshal from 1914 to 1921.

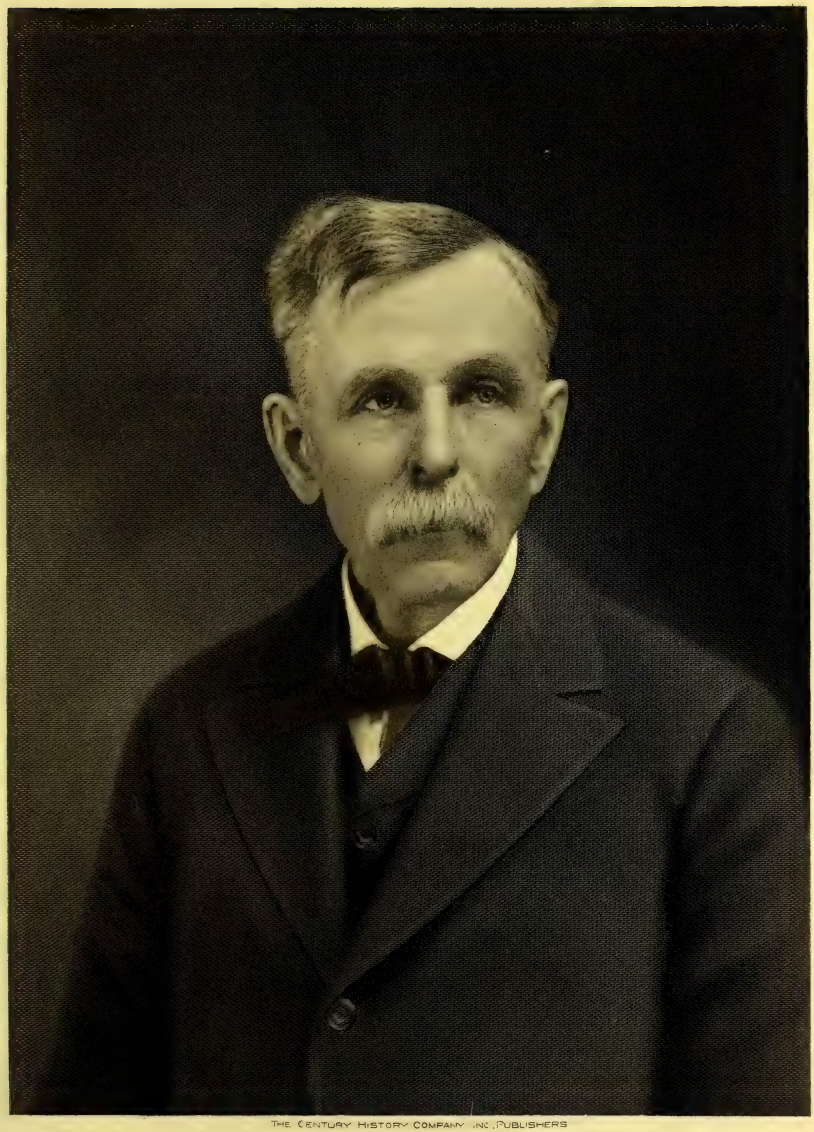
Charles S. Chase, of Brattleboro, was born at Whitingham, May 13, 1855, and received his education at the public schools and from private tutors. He studied law at Whitingham with H. N. Hix and Hosea W. Brigham and was admitted to the bar in 1880. He practiced at Whitingham until 1887 and since then has practiced at Brattleboro. He was official court reporter for Bennington county for thirty years, of Windham county for twenty-five years, and of Rutland county for five years. He has been Justice of the Peace for thirty years; has held many town offices and was a Senator from Windham county in 1906.

Neil B. Clawson, of Brattleboro, was born at Clyde, Minn., May 22, 1880. He was educated in the high school at Chatfield and Brown

HORACE P. McCLARY

Born in Albany, Vt., October 12, 1848. After studying in Peacham Academy he went to Omaha, Neb., and for two years was employed by the Union Pacific Railroad. Returning to Vermont he engaged, in 1872, in the manufacture of hardware specialties at Windsor. He was manager and one of the owners of the Windsor Gas Company. He served as trustee and president of the Windsor Savings Bank and as manager of the Windsor County Trust Company. He was three times a member of the Vermont Legislature. He married Sarah F. Bishop in 1878 and seven children were born to them. He died August 29, 1921.





THE CENTURY HISTORY COMPANY, INC., PUBLISHERS

H. P. McClary

Preparatory School at Faribault, both in Minnesota, and at the Zanerian College of Art at Columbus, Ohio. He studied law with Robert C. Bacon at Brattleboro, was admitted to the bar in 1917, and since his admission has practiced at Brattleboro. He has been Clerk of the Public Service Commission since 1913. Mr. Clawson is an efficient stenographer, has taught stenography, and reports the proceedings of the Public Service Commission in shorthand.

Addison E. Cudworth, of South Londonderry, was born at Savoy, Mass., July 3, 1852. He was educated at Chester Academy, Perkins Academy, and Dartmouth College. He studied law at South Londonderry in the office of Judge James L. Martin and was admitted to the bar in 1879. He has practiced at South Londonderry since his admission. He was a member of the House in 1884, 1917 and 1919; Senator, 1898-1900; State's Attorney; Referee in Bankruptcy; Municipal Judge Brattleboro Municipal Court from 1917 to 1921. Mr. Cudworth has administered several important trusts in Vermont and New York under appointments of the Federal Court.

William R. Daley, of Brattleboro, was born at Bennington, May 5, 1877. He was educated in the Bennington Graded School and studied law in the office of Barber and Darling at Bennington. He was admitted to the bar in 1900 and practiced at Bennington until 1907, when he removed to Brattleboro, where he has since practiced. He was Special Prosecutor in Bennington under a commission from Governor Stickney in 1902; State's Attorney of Bennington county, 1904-1906; Municipal Judge of Brattleboro, 1910-1912; State's Attorney for Windham county, 1917-1919, and County Clerk since 1920.

Edgar H. Davenport, of West Brattleboro, was born in Leyden, Mass., November 22, 1845. He was educated in the public schools, at Powers Institute, Bernardston, Mass., and Green Mountain Institute, South Woodstock. He studied law with Stephen T. Davenport, Charles N. Davenport, and Judge Hoyt H. Wheeler, and was admitted to the bar in 1871. He practiced at Wilmington in 1872 and 1873, and has held the office of Justice of the Peace.

John E. Gale, of Guilford, was born at Guilford, May 12, 1866, and was educated in the district schools of Guilford. He studied law at his home but was registered with Haskins and Stoddard at Brattleboro. He was admitted to the bar in 1897 and has since practiced at Guilford. He has held many town offices, including Town Clerk and Treasurer. He has been Referee in Bankruptcy since 1915, and is United States Commissioner. He is trust officer of the Brattleboro Trust Co.

Ernest W. Gibson, of Brattleboro, was born in Londonderry, December 29, 1871. He was educated at the Black River Academy at Ludlow, Norwich University and the University of Michigan; studied law with Hon. E. L. Waterman and Hon. J. L. Martin at Brattleboro and was admitted to the bar of Vermont in 1899 and to the United States Supreme Court in 1905. From his admission until 1916 he practiced in Brattleboro, and again from March, 1919, to the present time. He was Register of Probate for the District of Windsor in 1896; Deputy Clerk United States Courts, 1899 to 1906; member of the House of Representatives, 1906-1908; member of the Senate, 1908-1910, and president *pro tem;* Judge of Brattleboro Municipal Court, 1906 to 1910; delegate to the Republican National Convention, 1912; Captain First Vermont Infantry, Mexican service, June 19, 1916, to October 8, 1916; Captain United States Army, World War, from 1916 to 1919; State's Attorney of Windham county from 1919 to 1921; Colonel of Vermont National Guard from 1921 to 1922. He is Secretary of Civil and Military Affairs to Governor Hartness.

Warner A. Graham, of Bellows Falls, was born at Greensboro, January 9, 1884. He graduated from Hardwick Academy in 1903 and from the Albany Law School in 1907. He studied law in the office of Melvin G. Morse at Hardwick and was admitted to the bar in 1907. He has practiced at Bellows Falls since admission and has held the following offices: Secretary of Civil and Military Affairs, 1912-1914; member of the House, 1915; Judge of Probate, Westminster District, since March, 1916.

Robert L. Fitts, of Brattleboro, was born at Brattleboro, August 16, 1894. He was educated at the Brattleboro High School, at Phillips Exeter Academy, where he graduated in 1911, and at Dartmouth College, where he graduated in 1915. He studied law at Harvard Law School and in the office of Harvey, Maurice and Whitney at Brattleboro, was admitted to the bar in 1919 and became a member of the firm of Harvey, Maurice, Whitney and Fitts, with whom he has since practiced in the office of his late father, Clarke C. Fitts. The firm is now Harvey, Maurice and Fitts, Mr. Whitney having withdrawn on becoming State's Attorney of Windham county in February, 1921.

Frederick L. Houghton, of Putney, was born at Brookline, Mass., August 24, 1859. He was educated in the public schools of Boston and studied law at the Boston University Law School, where he graduated in 1884. He also studied in the office of Charles Houghton in Boston. He was admitted in 1884, and from that time until 1894 practiced in Boston. He has held several town offices in Putney and

was a member of the House from that town from 1900 to 1904. He is employed by the Holstein-Friesian Register Company of Brattleboro.

John N. Harvey, of Brattleboro, was born at West Topsham, August 23, 1879. He was educated at the Montpelier Seminary and at the University of Vermont, studied law in the office of his father, R. M. Harvey, and his brother, E. M. Harvey, at Montpelier, and was admitted to the bar in 1904. He practiced at Montpelier, 1904-1908; Montreal, 1908-1915; Barre, 1915-1917, and Brattleboro since 1917. He is a member of the firm of Harvey, Maurice and Fitts. He was a clerk of the Revision of Bills Committee, 1904; assistant to the Committee to Revise the Vermont Statutes, 1904-1906; assistant to the Committee to edit the Statutes in 1906; Executive Clerk, 1908, and 1917; assistant to the commission to revise Public Statutes, 1915-1917.

Fred S. Hartley, of Saxtons River, was born in Brookline, Mass., August 6, 1890. He was educated at Hackley School, Tarrytown, N. Y., and graduated at Cornell University Law School in 1913. He studied law in the office of Clarke C. Fitts at Brattleboro and was admitted to the bar in 1914. He has never practiced.

Orrin B. Hughes, of Brattleboro, was born in Winhall, July 21, 1882. He was educated at Leland and Gray Seminary, Burr and Burton Seminary, where he graduated in the class of 1905, and at the University of Vermont, where he graduated in the class of 1909. He studied law in the office of Gibson and Waterman at Brattleboro and was admitted to the bar in 1912. He has practiced in Brattleboro since admission. He was Town Grand Juror, 1913-1915; Village Attorney, 1913-1917, and State's Attorney, 1915-1917.

Edward S. Jones, of Wilmington, was born at Rutland, September 19, 1890. He was educated in the Rutland Graded School and at the Rutland High School, studied law in the office of Joseph C. Jones at Rutland and at Albany Law School. He was admitted to the bar in 1915 and practiced at Rutland, 1915-1916; at Barton, 1916-1917; and at Wilmington since September, 1919. He was with the Fifty-seventh Pioneer Infantry in the World War, was commissioned First Lieutenant, held the office of trial Judge Advocate for the Third Brigade, and was appointed to the Third Battalion Staff, Ninth Infantry, and later to the regimental staff of the same regiment, where he acted as trial Judge Advocate for four different courts.

Joseph G. Martin, of Newfane, studied law with his brother, James L. Martin, and with Jonathan G. Eddy, and was admitted to the

bar in 1874. He attended the common schools, and select schools in Landgrove, Londonderry and Peru. He practiced at Londonderry from 1874 to 1881 and at Manchester from 1881 to 1896. While here he was for a time a partner of Frank T. Spring and later a partner of Frank C. Archibald. In 1896 he retired from active practice on account of ill health and organized the Vermont Spring Company in Brookline. His legal residence is here and in 1908 he represented Brookline in the House.

Melville P. Maurice, of Brattleboro, was born at Cambridge, August 11, 1871, and was educated in the common schools and at the State Normal School at Johnson. He studied law in the office of Philip K. Gleed at Morrisville, and in the office of L. F. Wilbur at Jericho, and was admitted to the bar in 1898. He practiced at Montgomery, 1898-1907; Morrisville, 1907-1919; Brattleboro, 1919 to date. He is a member of the law firm of Harvey, Maurice and Fitts. He was president of the village of Morrisville; State's Attorney of Lamoille county, 1908-1919; Senator from Lamoille county, 1919.

Frank H. Laughton, of Dummerston, was born at that place February 26, 1876. He was educated in the public schools of Dummerston, at Miss Sawyer's private school and at Brattleboro Academy. He studied law in the office of Haskins and Schwenk at Brattleboro, and was admitted to the bar in 1904. What practice he has done has been at Brattleboro. He has been Moderator, Auditor, and Town Agent of Dummerston.

C. Menzies Miller, of Brattleboro, was born in New York, November 11, 1873, and was educated at Mount Pleasant Academy, Brattleboro High School, and Phillips Andover Academy, where he graduated in 1893. He studied law at Brattleboro with Gibson and Waterman and was admitted to the bar in 1910. He has practiced at Brattleboro since admission, at first being associated with H. G. and F. E. Barber as Clerk, and now being a member of the firm of Barber, Barber and Miller. He was Probation Officer from 1912 to 1916; is a Justice of the Peace, and has been United States Commissioner since 1917.

Thomas E. O'Brien, of Bellows Falls, was born at Bellows Falls, August 5, 1867. He graduated at the Bellows Falls High School in 1884 and for several years was engaged in newspaper correspondence. In 1894 he entered Boston University Law School and graduated in 1917, *magna cum laude*. He was a student in the office of Herbert D. Ryder at Bellows Falls from 1891 to 1897 and was admitted to the bar in 1897. He has practiced since 1904 at Bellows

Falls. He was Municipal Judge in 1909-1910, and has held that office since 1913; President of the Bellows Falls Village Corporation, 1907-1911, and Register of Probate of Westminster District. He was Contributing Editor and Editor-in-Chief of the "Encyclopedia of Forms and Precedents," 1897 to 1904, and Contributing Editor to "Annotated Statutes of the United States" in 1904.

Fred B. Pingree, of Bellows Falls, was born at Chicago, August 16, 1869, and was educated in the schools of Los Angeles, San Francisco and Chicago. He studied law at Harvard and with Gov. Samuel E. Pingree, and was admitted to the bar in 1897. He practiced at Woodstock, 1897-1899; Chester, 1899-1901, and from 1901 to the present time at Bellows Falls.

A. V. D. Piper, of Brattleboro, was born at Brattleboro, March 22, 1876. He graduated at the Brattleboro High School in 1893, studied law in the office of Haskins and Stoddard at Brattleboro, and was admitted to the bar in 1899. He practiced at Jamaica from 1903 to 1912 and since then has practiced at Brattleboro. He was State's Attorney of Windham county, 1913-1914.

Herbert D. Ryder, of Bellows Falls, was born at Acworth, N. H., November 12, 1850. He was educated in the common schools, Colby Academy, Oberlin College, and Dartmouth College, where he graduated in 1876. He studied law in the office of J. W. Pierce at Springfield, with Judge David Cross at Manchester, N. H., and with Senator Henry E. Burnham at the same place. He was admitted to the bar in 1880, and practiced at Springfield from 1880 to 1881, and since 1900 has practiced in Bellows Falls. He is a member of the law firm of Ryder and Graham. He has held many local offices; was County Examiner of Teachers for many years; State's Attorney, 1904-1906; Department Collector of Internal Revenue, 1897-1904; member of the House, 1912; member of State Board of Education, 1913-1914.

Anthony F. Schwenk, of Brattleboro, was born at Brooklyn, N. Y., September 9, 1873, and was educated in the district school and the High School of Brattleboro. He studied law in the office of Haskins and Stoddard and in the office of Kittredge Haskins at Brattleboro, and was admitted to the bar in 1897. He has practiced at Brattleboro since his admission. He was Register of Probate, 1896-1906; Referee in Bankruptcy, 1898-1900; State's Attorney, 1900-1902; Judge of Probate, Marlboro District, since 1906.

Frank D. E. Stowe, of Brattleboro, was born at Wilmington, December 31, 1864, and graduated at Glenwood Classical Seminary in

1885. He studied law at Brattleboro with Judge E. L. Waterman, with Waterman and Martin, with Haskins and Stoddard and at the Albany Law School. He was admitted to the bar in 1889. He commenced practice at Brattleboro. In 1890 he located in Hastings, Minn., where he remained for five years. From 1895 to 1898 he practiced in Keene, N. H., and since that time has been at Brattleboro. He was Referee in Bankruptcy in 1900-1907 and County Clerk of Windham county from 1907 to 1920. He was appointed Judge of the Brattleboro Municipal Court February 1, 1921.

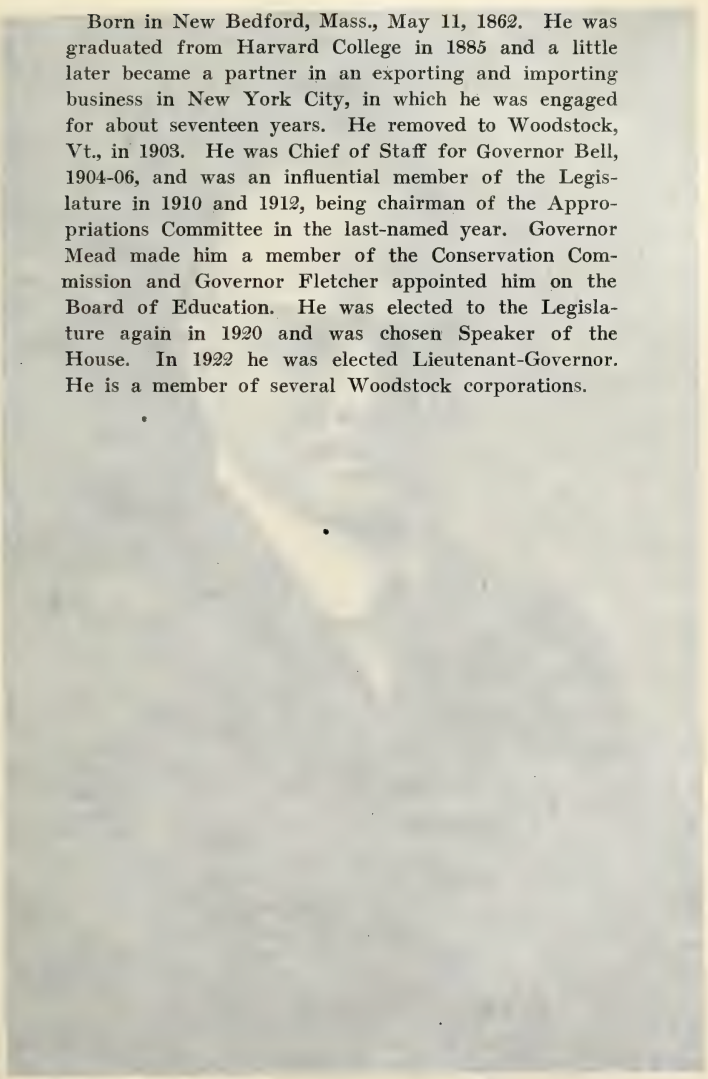
George H. Thompson, of Bellows Falls, was born at Ludlow, April 28, 1880. He graduated at the Vermont Academy in 1897 and studied law in the office of Waterman and Martin at Brattleboro. He was admitted to the bar in 1905 and has practiced at Bellows Falls since January, 1906, with the exception of one year, when he was in practice at Bethel. He was Judge of the Bellows Falls Municipal Court, 1910-1913. He was company commander, Quartermaster and Adjutant, First Infantry, Vermont National Guard, between 1903 and 1913; Aide to the Governor, 1910-1912. He was Captain in the National Guard in the Federal service from August, 1917, to March, 1918, when he was promoted to the rank of Major. He served until October, 1919, when he was honorably discharged and appointed to the Reserve Corps, with rank of Major. He is a member of the law firm of Bolles, Thompson and Twitchell.

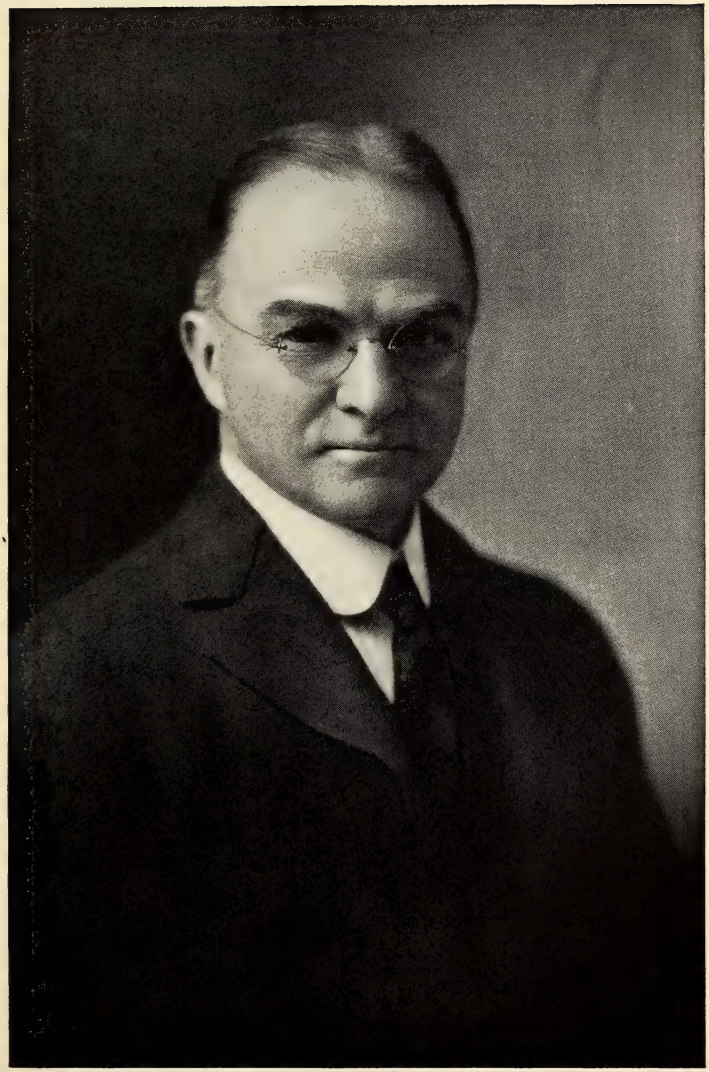
Robert R. Twitchell, of Bellows Falls, was born at Stockbridge, August 14, 1886. He graduated at the Whitcomb High School at Bethel in 1905, at Middlebury College in 1911, and at the Boston University Law School in 1915. He studied law in the office of Stickney, Sargent and Skeels at Ludlow and was admitted to the bar in 1915. He practiced at Ludlow, 1915-1916; and has practiced at Bellows Falls since 1916. He has held the office of Grand Juror and of Justice of the Peace.

George A. Weston, of Bellows Falls, was born in Rockingham, February 27, 1849. He was educated at the Bellows Falls High School, Chester Academy, Kimball Union Academy, at Meriden, N. H., and at Powers Institute, at Bernardston, Mass. He studied law in the office of J. D. Bridgman at Bellows Falls and in the office of Judge Hugh Henry at Chester, and was admitted to the bar in 1876. He began practice at Chester, but soon removed to Bellows Falls, where he is in practice. He has long been the local attorney for the Boston and Maine Railroad. He was State's Attorney from 1900 to 1902.

FRANKLIN S. BILLINGS

Born in New Bedford, Mass., May 11, 1862. He was graduated from Harvard College in 1885 and a little later became a partner in an exporting and importing business in New York City, in which he was engaged for about seventeen years. He removed to Woodstock, Vt., in 1903. He was Chief of Staff for Governor Bell, 1904-06, and was an influential member of the Legislature in 1910 and 1912, being chairman of the Appropriations Committee in the last-named year. Governor Mead made him a member of the Conservation Commission and Governor Fletcher appointed him on the Board of Education. He was elected to the Legislature again in 1920 and was chosen Speaker of the House. In 1922 he was elected Lieutenant-Governor. He is a member of several Woodstock corporations.





Franklin S. Billings.

Harold E. Whitney, of Brattleboro, was born at Brattleboro, February 29, 1884. He was educated in the public schools of Brattleboro and at Amherst College. He studied law in the office of Clarke C. Fitts at Brattleboro and was admitted to the bar in 1907. He has always practiced at Brattleboro and was until he became State's Attorney a member of the firm of Harvey, Maurice and Whitney. He was elected State's Attorney of Windham county in 1920.

WINDSOR COUNTY

AT a session of the General Assembly held at Windsor, February 8, 1781, an act was passed subdividing the county of Cumberland, which at the time embraced the whole of eastern Vermont, and establishing in its stead the counties of Windham, Windsor and Orange. The two former counties were laid out with nearly the same boundaries which they now have, while Orange county included all the territory north of Windsor county on the east side of the mountains. At this time a large number of towns on the east bank of Connecticut River were seeking admission to the new State of Vermont and on April 5, 1781, the union, eagerly desired by some and as strongly opposed by others, was consummated. On the following day the representatives from thirty-five towns on the east side of the river took their place in the General Assembly of Vermont. In order that the seceding towns might have the protection of the laws of this State the limits of Windsor county were extended so as to include all the towns within the State opposite Windsor county and northward of the towns of Claremont, Newport, Unity and Wendell. The county thus enlarged in area about one-half took in for a considerable distance the entire basin of the Connecticut on both sides of the stream. Besides the increase in wealth and population the east-side towns brought into Windsor county Dartmouth College, the seat of literature and arts, an institution which had recently been taken under the patronage of New Hampshire.

The first session of the Court of Common Pleas for the new county was held at Windsor the last Tuesday in May, 1781. Elisha Payne was Chief Judge, and Joseph Marsh and Bezaleel Woodward, Assistant Judges. After a brief session the court adjourned until October. In the meantime, on July 17 of the same year, a special session was held at Lebanon. An effort was made in 1782 to fix a place for the establishment of a court house and jail and to provide means for building the same, but did not meet with success. At this time the union was dissolved and the New Hampshire towns returned to their original jurisdiction. The regular sessions of the court were held at Windsor until 1786, when the Legislature established Woodstock as the shire town of Windsor county. Capt. Israel Richardson donated the land on which the first court house and jail were erected in Woodstock village in 1787. The first session of the court was held here on the last Tuesday in May, 1788. The court house was located on the site now occupied by the Woodstock Inn. It was a two-story structure with court room on the upper floor, which was warmed by a fireplace. The jail stood nearly in front of the Methodist Church

and faced the northeast. In 1791 the court house was burned. Through the efforts of Charles Marsh, Captain Richardson was induced to extend the common to its present limits and to lease a piece of land on the north side of the common on which to locate the court house. On this land the building was erected in 1793. A belfry was constructed upon the center of the house in which was hung the first bell to be placed in the tower of a court house in the State. The edifice was put to manifold uses, both secular and religious, by the inhabitants of Woodstock. In 1836 it was thoroughly repaired and a town hall constructed in the basement. On July 4, 1854, it took fire and was burned. A careless boy threw a lighted fire cracker on the roof at a time when most of the inhabitants were celebrating the nation's liberty in the south village. A new and more elegant court house (the present one) was built the same year. It was erected on land purchased by subscription. The expense of the structure was $14,000.

The first jail was a superficial and inferior one, but it was used until 1797. In that year it was ordered by the General Assembly that a new jail should be erected on such site as should be deemed most advisable. This jail was built where the present structure now stands, the land being given to the county by Charles Marsh. The expense of the building was in part defrayed by subscriptions and in part by a county tax. The flooring of this prison was laid with eight stones twelve feet long and three feet wide and from four to seven inches thick, carefully hewn so as to make good joints and bedded in lime mortar. In 1816 the jail was found to be insufficient and a stone jail was constructed at a cost to the county of $15,000. In 1867 the wood part of the jail was burned and the following year a substantial brick building was erected in the place of the old wooden one. In the new building a room was fitted up for the County Clerk and a vault constructed for the county records. In the season of 1881 a fireproof building was erected at the east end of the jail close to the brook for the safe keeping of the county and probate records. The jail has recently undergone important repairs in accordance with the suggestions of the State Board of Health.

The bar of Windsor county has been one of the most brilliant in the State. For many years its members were men of exceptional culture, who were thoroughly versed in the best literature as well as learned in the law. This is particularly true of Woodstock during the early and middle part of the last century. Several of the best legal minds in Vermont were centered here, Tracy, Barrett, Washburn, Converse and others. The efficiency of the bar may have been due in no small measure to a code of regulations and rules adopted in 1806, which provided for the qualification and study of students in the law offices in the county, and imposed strict duties on both the students and their tutors.

CHARLES MARSH

1765-1849

Charles Marsh, son of Joseph Marsh, was born in Lebanon, Conn., July 10, 1765. He removed with his father to Hartford, Vt., in 1773. He graduated at Dartmouth College in 1786 and at the Litchfield Law School in 1788. He began practice at Woodstock immediately following his graduation from the law school and was so engaged until near the time of his death, which occurred at Woodstock, January 11, 1849. In 1797 he was appointed by President Washington District Attorney for Vermont. From 1809 to the time of his death he was a member of the board of trustees of Dartmouth College. He was elected to Congress in 1814, but served only one term. He made in Congress three notable speeches, however, one on the tariff, one on the Mexican War and one on the Smithsonian Institution. He acquired great popularity as a patron of benevolent societies and was an influential and useful citizen. He was the father of George P. Marsh, the most distinguished member of the family and considered by many persons the greatest scholar Vermont has produced. The latter practiced law for a time in Burlington, but was chiefly known as a man of letters. Charles Marsh was the leader of the Vermont bar. He was a cousin of Jeremiah Mason and in many respects the two men were of like mental gifts. They were born at about the same time and Mr. Marsh survived Mr. Mason by only a year. Between the two there were the most intimate relations and they kept up a correspondence until the death of Mr. Mason. Mr. Marsh was the early owner of the handsome estate at Woodstock which was later purchased, improved and occupied by Frederick Billings.

ANDREW TRACY

1797-1868

Andrew Tracy was born at Hartford, Vt., December 15, 1797, being the second son of James Tracy, a farmer who came to Vermont from Connecticut. The family traced their lineage to Puritan ancestors. Andrew Tracy was frail in health as a boy, and not being strong enough to work on the farm it was decided that he should have an education. Accordingly he attended the academies at Royalton and Randolph and prepared for college. He entered Dartmouth College, where he remained for two years, after which he taught school for two or three years at Troy, N. Y., and then entered the law office of George E. Wales at Hartford, with whom he fitted for the bar. His admission was at the December term of the Windsor County Court, 1826.

He commenced practice at Quechee village, where he remained until the fall of 1837, when he took up his residence at Woodstock, where he spent the remainder of his life. On January 1, 1838, he formed a partnership with Norman Williams which lasted for one year, when Mr. Williams was appointed clerk of the courts. In 1840 he formed a partnership with Julius Converse which continued until Mr. Tracy's election to Congress in 1853. In 1849 the firm of Tracy and Converse received James Barrett as a partner and after Mr. Tracy left the firm it was continued as Converse and Barrett until the election of the latter to the Supreme bench in 1857. On the retirement of Mr. Tracy from Congress he resumed practice at Woodstock but did not afterwards form another partnership. He represented the town of Hartford in the Legislature for five years in succession, from 1833 to 1837, and Woodstock in the years 1842, 1843 and 1844. During the latter years he was Speaker of the House, a position which he filled with great dignity, courtesy and impartiality. He remained in Congress but one term and then declined a re-election, being glad to get back to his native mountains.

In appearance Mr. Tracy was tall, slim and cadaverous. To a stranger he seemed as one who was in the last stage of consumption. But his step was quick and elastic and he performed a vast amount of work through his energy and indomitable will. He promptly discharged his attending physician who advised him that he could not live many months, and did live for more than a quarter of a century after this warning.

From the days when he was a law student Mr. Tracy was a genius in the trial of cases; he baffled the skill of more than one able lawyer in his efforts during this early period. In his early practice he was engaged in most of the trials in Windsor county and after his return from Congress was employed in both his own county and throughout the State. His power consisted in his wonderful quickness of perception, the rapidity with which he could adapt principles to cases, his keen and discriminating analysis of facts, the nervous power and eloquence with which he presented these to a jury, and his masterful power of sarcasm and invective. He was not as great a lawyer as he was an advocate, was not a student of books and cases, but was remarkably skilful and adroit, and as an adviser and helper in desperate situations was without a peer in Vermont.

He died at Woodstock, October 28, 1868, and was buried in the cemetery in Woodstock where sleep so many of the illustrious dead of that town.

JULIUS CONVERSE

1798-1885

Julius Converse, Governor and lawyer, was born at Safford, Conn., December 17, 1798. The family was of French origin. Joseph Converse, his father, was a farmer who came to Randolph in 1801. Julius was educated in the common schools and in Randolph Academy, studied law in the office of William Nutting at Randolph and was admitted to the bar in Orange county in 1826. He settled first at Bethel and later moved to Woodstock in 1840. At Bethel he was for several years a partner of Augustus P. Hunton. At Woodstock he formed a partnership with Andrew Tracy and later with James Barrett, the firms of Tracy and Converse, Tracy, Converse and Barrett, and after Mr. Tracy's election to Congress, Converse and Barrett being among the strongest in the State. After Mr. Barrett's election to the bench Mr. Converse formed a partnership with Warren C. French which continued until 1865, after which Mr. Converse practiced alone. He represented Bethel several times in the Legislature and in 1836, 1837, 1838 and 1839 represented Windsor county in the State Senate. He represented Woodstock several times in the Legislature and was State's Attorney from 1844 to 1847. In 1850 and 1851 he was Lieutenant-Governor. For the next twenty years he was out of public life. In 1872, when nearly seventy-four years of age, he was suddenly and unexpectedly nominated for Governor, having been taken up to defeat Frederick Billings, a purpose that was accomplished by a narrow majority of one after a hard fight in the convention. Mr. Converse was not in Vermont at the time. The first he knew of his candidacy was when he read of his nomination in the morning papers. He died at Dixville Notch, N. H., August 16, 1885.

As a lawyer Governor Converse was particularly strong in the careful preparation of his cases and as a cross-examiner of witnesses. He likewise excelled in chancery practice.

OLIVER P. CHANDLER

1807-1895

Oliver P. Chandler was born at Peacham, May 29, 1807. He fitted for college at Peacham Academy and entered Dartmouth College in 1824. After his graduation in 1828 he studied law in the office of Governor Mattocks at Peacham and afterwards in the office of Shaw and Chandler at Danville. He opened an office in Woodstock village in 1832. He acquired an honorable position at a bar made up of distinguished and successful lawyers. In politics he was a Whig

JOHN E. WEEKS

Born in Salisbury, Vt., June 14, 1854. He was educated in the Middlebury High School and for many years he was a farmer. Later he removed to Middlebury and engaged in the hay and grain business. He served as Assistant Judge of Addison County Court, 1884-86; represented Salisbury in the Legislature in 1888; was a member of the Senate from Addison county in 1896; represented Middlebury in the General Assembly in 1912 and 1915, being elected Speaker in 1915. He has been chairman of the Board of Penal Institution and Director of the State Institutions since 1906. He is a trustee of Middlebury College. He married Hattie J. Dyer of Salisbury in 1879.

John E. Weeks.

and afterwards a Republican. He represented Woodstock in the General Assembly and was a member of the State Senate for three years. He retired from active practice many years before his decease, which occurred September 19, 1895.

PETER T. WASHBURN

1814-1870

Peter T. Washburn belonged to the brilliant group of lawyers that made Woodstock famous fifty years ago. He was born at Lynn, Mass., September 7, 1814, the eldest son of Reuben and Hannah B. (Thatcher) Washburn. In 1817 his father moved to Chelsea, Vt., later to Cavendish, and finally to Ludlow. Peter T. Washburn graduated at Dartmouth College in 1835 and studied law under the direction of his father for a time, then in the office of Senator Upham at Montpelier. He was admitted to the bar in 1838 and began practice at Ludlow. In 1844 he moved to Woodstock, where he formed a partnership with Charles P. Marsh which lasted until the latter's death in 1870. Mr. Washburn was made reporter of the decisions of the Supreme Court in 1844, a position which he held with high credit for eight years. He represented Woodstock in the Legislature in 1853 and 1854; was chairman of the Vermont delegation to the Republican Convention that nominated Lincoln and Hamlin in 1860. He commanded the Woodstock Light Infantry on the breaking out of the Civil War. He was later commissioned as Lieutenant-Colonel of the First Vermont Regiment, but acted as Colonel during its entire period of service. In October, 1861, he was elected Adjutant and Inspector General of Vermont and continued as such to the close of the war. He was elected Governor in 1869 and died in office, February 7, 1870.

Until the outbreak of the war his chief energies were devoted to his professional work with ever-growing reputation. His practice took him into other counties than his own and especially into Windham, where he was a regular attendant of the County Courts. The facility with which he made himself the ready master of facts and his thorough knowledge of men equipped him for the trial of cases before the jury. He could conduct a case after a very short preparation, could call all the witnesses by name when once they had appeared in the case, and was admirably adapted to the work of assisting younger and less able counsel in the trial of causes. In his labors during the war he brought order out of chaos in the Adjutant General's office, making it the model office of the kind in the whole country. At the time of his decease he was engaged in the preparation of a digest of the Supreme Court reports of Vermont. He had worked his way through

thirty-eight of the forty-two volumes when his labors were interrupted by death. These labors were embodied in "Washburn's Digest," which was in general use before "Roberts' Digest" was published. He simply wore himself into the grave in his excess of faithfulness to duty. No trace of disease could be found about him. It was a case of nervous exhaustion. Thorough, studious, accurate, absolutely incorruptible, inflexibly just, judicious and kindly, he was a man whom the people could not fail to admire.

AUGUSTUS P. HUNTON

1816-1911

Augustus P. Hunton, of Bethel, lived to a greater age than any other attorney who has been sketched in this work. He was past ninety-five at the time of his decease and thus older than Albert M. Allbe, who died at Bellows Falls, but practiced during a large part of his life in Windsor county. Mr. Hunton was born at Groton, N. H., February 23, 1816, and died at Bethel, June 19, 1911. He was a gentleman and lawyer of the old school. His father was Ariel Hunton, a physician who for thirty-nine years practiced his profession at Hyde Park, Vt., and his mother was Polly Pingree of Salisbury, N. H. His father's ancestors were early settlers in New Hampshire and one of them was a soldier in the French and Indian War. Augustus Hunton was reared at Hyde Park, to quote from his genealogist, "free from the use of intoxicating liquors and the more common vice, the use of tobacco." After receiving the common school and academical education of the times he commenced the study of law with Judge William C. Wilson at Bakersfield, and continued the same with his uncle, Judge William M. Pingree, at Waitsfield, and was admitted to practice in Washington county at the April term, 1837. He commenced practice at Stockbridge Common and soon removed to Bethel, where he formed a partnership with Governor Converse. This continued for but a short time, when he removed to Chelsea and became associated with Perley C. Jones in practice, but he soon returned to Bethel, where he remained for the rest of his life, a period of seventy-three years, and he continued to practice his profession until within a short time of his death. Following the partnership of Converse and Hunton, which terminated in 1840 when the senior member located in Woodstock, there were the law firms of Hunton and Dudley, Hunton and Walker, Hunton and Blodgett, Hunton and Weymouth, Hunton and Gilman, and lastly Hunton and Stickney, which firm continued from August, 1875, to the death of Mr. Hunton, a period of thirty-six years. William B. C. Stickney, the junior member of this firm, married Mary, the only child of his law partner.

During the time that Mr. Hunton was in practice at Bethel he trained many young men in his office for careers at the bar and he numbered among his clients many corporations and individuals who had matters of great interest that required the attention of a skilled lawyer. In the fundamental principles of the law he was a profound scholar, and he was so much of an authority on matters of special pleading that the bar and bench alike came to his office for advice. Among the men who sought his advice were Senator Edmunds, Judge Barrett, Mr. Phelps, Governor Washburn and Governor Converse. Whenever Mr. Hunton filed a demurrer or other pleading it behooved the opposite attorney to take notice that there was something in the case that needed attention.

In social life Mr. Hunton was charming. His speech was simple, his manner gracious, and his thoughts and language refined. His quaint humor, fund of anecdote and story, and large historical knowledge of State and Nation furnished a source of peculiar enjoyment to those who had the advantage of his companionship.

He was given honorary degrees by the University of Vermont and Dartmouth College; was the representative of Bethel many times in the Legislature, and in 1861 and 1862 the Speaker, and was a member of the State Senate in 1856 and 1857.

JOHN F. DEANE

1817-1884

The leading lawyer of southern Windsor county a little over a generation ago was John F. Deane of Cavendish. He was born in Weathersfield, June 29, 1817, and died at Cavendish, April 20, 1884. He graduated at the University of Vermont in the class of 1838. Edward A. Cahoon, who later became a lawyer in Caledonia county, John Gregory Smith of St. Albans, president of the Central Vermont Railroad system, and George W. Reed, a member of the Montpelier bar, were among his classmates. He was admitted to the bar in 1841 and spent his professional career at Cavendish. He was a member of the House of Representatives in 1847, 1848, 1849, 1852, 1854, 1857, 1858, 1863 and 1864. He represented Windsor county in the Senate in 1878. He was a member of the Constitutional Convention in 1850; Reporter of the Supreme Court from 1852 to 1855 and the editor of the 24th, 25th and 26th volumes of the Vermont Reports. He was a man of commanding presence with a rich, melodious voice, and on occasion was very eloquent. He was well versed in the law and was not afraid to meet in legal tilt such a man as Charles N. Davenport of Brattleboro, who was a great lawyer and a dangerous adversary.

Mr. Deane had an intimate knowledge of the Scriptures as well as the law and could quote freely from the Bible. In the trial of a case in which Mr. Davenport appeared on the other side he indulged freely in references to the Holy Writ and quoted passages to illustrate and sustain his side of the case. Mr. Davenport usually tried to meet his adversary with the same kind of an argument that was employed against him, and in this case, like the Devil, quoted Scripture to his purpose, but his early education was limited and his instruction in the Word of God and his accustomed references to the Deity were not such as to prompt the belief that he was a true student of the Bible. After failing in several passages in which Mr. Deane had helped him out, he exclaimed: "Well, I shall have to admit that my brother Deane knows more Scripture than I do." Whereupon the latter drawled out, to the laughter of the listeners: "Yes, and more *law*, too."

GILBERT A. DAVIS

1835-1919

Gilbert A. Davis, of Windsor, was a conspicuous example of what can be accomplished in a financial way by a Vermont lawyer. He was born at Chester, Vt., December 18, 1835, and died at Windsor, November 29, 1919. He was educated in the common schools and at Chester Academy and began to teach when he was fifteen years of age. He removed to New Jersey in 1852 and taught there for four years, during a part of which time he was engaged in the study of the law. He returned to Vermont and studied in the office of William Rounds in Chester and later in the office of Washburn and Marsh in Woodstock. He was admitted to the bar in 1859 and practiced at Felchville from 1860 to 1879, when he removed to Windsor, where he was in practice until his death. He was Register of Probate for the District of Windsor for five years and represented Reading in the Legislature in 1872 and 1874, was State's Attorney for Windsor county from 1878 to 1880 and County Senator in 1876. After the enactment of the bankruptcy act in 1898 he became Referee and held the position until shortly before his death. He was elected Assistant Judge of the Windsor County Court in 1918, and held this position at the time of his death. He held many local offices and was a member of many corporations. In 1899 he donated a library building to the town of Reading. He had no law partner during the greater part of his career, but during his latter years was associated with his son, Gilbert F. Davis, in the firm of Davis and Davis.

Mr. Davis was a man of untiring industry and given to watchful care of details. These were of great concern to him and he mastered

them easily and carried them readily. If his cases were not of the greatest magnitude they made up in number what they lacked in size and each one received careful attention. This applied not alone to the preparation and trial but to his charges. Each item of service and expense was given an appropriate charge and when the client got the bill it was fully itemized. He kept books with the faithfulness of a country merchant and while his charges were not large in any given case, they were comprehensive and omitted nothing that should have been stated. This attention to details enabled him to advance financially and he acquired the habit of saving money early in his practice while it was still small and in his later life became known as one of the wealthiest men at the bar. It is needless to say that he was a wise investor and a wise counselor to those who had financial interests at stake. As a lawyer he was trained in the old school that regarded pleading as an important branch of the law and relied on technicalities if they could be employed in his client's behalf to trip the other side. He took great interest in historical matters, wrote much for the newspapers, published a history of Reading, delivered the centenary address at the celebration of that town, and was also the orator at the centennial celebration of the adoption of the Constitution and name of Vermont held at Windsor, August 9, 1877.

WILLIAM E. JOHNSON

1841-1917

William E. Johnson was a native of Woodstock, where he was born, June 26, 1841. He was the son of Eliakim and Harriet A. (Collamer) Johnson. His mother was a daughter of Jacob Collamer, who was Chief Judge of the Supreme Court of Vermont, United States Senator and Postmaster General in the Cabinet of President Taylor. The statue of this distinguished and beloved ancestor, as one of the two most representative Vermonters, stands with that of Ethan Allen in the Capitol at Washington.

After receiving his preparatory education at Kimball Union Academy, Mr. Johnson entered Dartmouth College, where he graduated in 1862. He studied law in the office of Washburn and Marsh at Woodstock and was admitted to the bar in Windsor county in May, 1865. From that time he was actively engaged in his profession until about 1902, when failing health compelled him to retire from the practice of the law.

He was eminently successful as a lawyer. His clear, rapid and logical mental processes and his excellent judgment, accompanied with

a commanding and pleasing personality made him the ideal jury advocate. He was, moreover, well versed in the law and was an analyst of the first order. These talents gave him high standing with the Supreme Court. A noticeable feature of his legal work was the large number of important cases that were referred to him by the courts as referee and special master.

He did not seek political preferment and chose to remain at home rather than take a place on the bench which was tendered to him. He did, however, accept the office of State's Attorney of Windsor county in 1872, in which he served for one term. He also represented Windsor county in the State Senate of 1888.

Mr. Johnson possessed unusual business capacity. This quality was displayed in his long relation to the Woodstock National Bank with which he was connected as a director for forty-three years and as president for twenty-two years, and in the settlement of large estates, particularly that of the late Frederick Billings. He died at Woodstock, September 20, 1917.

WILLIAM W. STICKNEY

1853-

William W. Stickney, of Ludlow, was born at Plymouth, March 21, 1853. He was educated in the common schools of Plymouth, at Ludlow Academy and at Phillips Exeter Academy, where he graduated in 1877. He studied law in the office of Sewall Fullam and with William H. Walker and Martin H. Goddard at Ludlow, was admitted to the bar in 1878, and has practiced at Ludlow since then. He was Assistant Clerk of the House in 1872, 1874, 1878, 1880, 1882; Clerk from 1882 to 1892; Speaker, 1892 to 1896; State's Attorney, 1882-1884, 1890-1892; Governor, 1900-1902.

Governor Stickney as the head of the leading law firm of Stickney, Sargent and Skeels has had the practical business control of the office and been the executive head of its large share in the legal affairs of the State. He began his legal career as an office holder and advanced at Montpelier through the channels of Clerk and Speaker to the office of Governor. In political management and especially as that relates to work before the Legislature, he has great influence and his wise business sagacity has resulted in his being called to many public and private trusts. He is an able lawyer and a sound counsellor and is accorded the leadership in a firm that includes Mr. Sargent. He could have had a place on the bench had he desired it, but the large business of his office appeals more strongly to him.

JOSEPH A. DE BOER

Born in Warfum, Province of Groningen, Holland, June 17, 1861. His father died when he was very young and when he was seven years old his mother brought her family to Albany, N. Y. At an early age the lad began to earn money as a newsboy. He attended the public schools of Albany, graduating with honor from the High School. He worked his way through Dartmouth College, where he made a brilliant record, graduating in 1884. He was master of the Holderness School for Boys, 1884-85, and principal of the Montpelier High School, 1885-89. He was actuary of the National Life Insurance Company of Montpelier, 1889-1902, and was advanced successively to the positions of secretary, second vice-president, first vice-president and president, being elected to the last-named office in 1902. He was a Senator from Washington county in 1900 and represented Montpelier in the Legislature in 1908. He was an eloquent orator, a man of scholarly tastes, and one of the foremost citizens of Vermont. He married Augusta C. Featherly of Albany, N. Y., in 1885. Five children were born to them, Ethel A., Minnie A., Bertha A. (deceased), Paul K., and Elizabeth A. Mr. De Boer died on Christmas day, 1915.

Joseph Arend De Bon.

JOHN GARABALDI SARGENT

1860-

John Garabaldi Sargent was born in Ludlow, Vt., October 13, 1860. His father was John Henmon Sargent and his mother Ann Eliza (Hanley) Sargent. The latter was Irish and the former half Irish. This accounts for Mr. Sargent's fighting qualities. The parents, who were farmers, lived on several different farms in Ludlow and Plymouth while Mr. Sargent was quite young before locating permanently on a farm on what is known as Sargent Hill. The family was not so located that it was possible for Mr. Sargent to attend school until after he was ten years of age, but after this time and until he was sixteen he attended the district schools, and in the fall of his sixteenth year he entered the Vermont Liberal Institute at Plymouth Union. At this school Mr. Sargent boarded himself. He had a plain room furnished with bed, table and chair. His father bought a barrel of crackers at the opening of the term and with these and a large pail of milk which he brought weekly from his home he sustained himself through the week. He took no regular course at this school. After the fall term he taught in a district school and afterwards returned to the Institute for two or three terms. He regularly taught school winters at this period and went to school as he could in the spring and fall. He later entered Black River Academy at Ludlow, where he spent four terms and graduated in 1883. In the fall of this year he entered Tufts College and graduated four years later at twenty-seven. When he entered Tufts he was conditioned in about every subject except possibly English grammar and arithmetic, but by the middle of the following June he had removed all conditions, and the last year and a half at college he was an instructor in French and in this way earned a part of his living. He graduated among the first four of a class of fifty.

From the time he entered the academy at Plymouth Union he spent his vacations at work in the woods getting out scythe snaths. This was his trade as a young man and in following it he was enabled to earn large wages with which he paid his way at school. He inherited from his father's side of the family a giant frame. He is six feet three inches tall and weighed in his younger years three hundred pounds. His great strength enabled him to do more than a man's work in the woods and this gave him prestige in his days in college in the athletic sports. It may be said, too, that his brain and heart are in harmony with his body.

When he had returned from college Governor Stickney met him on the street one day in Ludlow and asked him if he wouldn't like to enter his office as a law student. He was intending to teach, but he told his future partner he would think the matter over and after

doing so told him he would accept his invitation. This was in September, 1887. He has remained with Governor Stickney since he first entered his office. He took his bar examination and was admitted to the bar in 1890. He assisted in the office until 1890, when he formed a partnership with Governor Stickney under the name and style of Stickney and Sargent the same year. This continued until 1900, when the co-partnership was enlarged to admit Homer L. Skeels, since which time the firm has been known as Stickney, Sargent and Skeels. Mr. Sargent was State's Attorney of Windsor county from 1898 to 1900; Secretary of Civil and Military Affairs under Governor Stickney from 1900 to 1902; Attorney General from 1908 to 1912; member of the commission on uniform legislation for several years; and president of the Vermont Bar Association in 1919.

Mr. Sargent came into prominent notice during the time he was State's Attorney on account of his persistent efforts in the capture of the two Shaws who had shot and killed Sheriff Hoffman of Windsor county. While he was attempting to arrest them after they had broken out of the county jail at Woodstock, Mr. Sargent went out with the officers who were sent to arrest the Shaws and directed the search for them until their arrest near Middlebury. He later prosecuted them successfully in the Windsor County Court and he assisted in two other homicide trials before he became Attorney General. After he became Attorney General he tried in the four years he held that office thirty-three homicide cases—an average of more than eight a year—and in these cases met with remarkable success. He also rendered many opinions to the State officers and coordinated the work of the State by holding frequent meetings with the State's Attorneys, advising with them as to the conduct of cases and business, assisting and receiving assistance in the interpretation of new statutes, making proposals and plans for the enactment of statutes to further the successful prosecution of the laws, and helping them in the trial of important causes in court. His work as Attorney General gave him a large and intimate acquaintance with the bar and introduced him to many men who later brought him civil business of a valuable nature. He has been called on from nearly every county in the State to try large and important cases since his retirement from office.

The firm of which he is a member does perhaps the largest law business in Vermont. This has grown from the ordinary country practice to employment in behalf of large corporations and other clients who have much at stake and are seeking the best counsel obtainable. About 1914, Mr. Sargent became counsel for the Boston & Maine Railroad, the Travellers' Insurance Company and the American Express Company, and since that time he has devoted much of his attention to the business of these clients. He was made a director

of the Vermont Valley Railroad in 1915, and of the Boston & Maine in 1917, when that road was reorganized.

The success of Mr. Sargent is due to natural talent, hard work, good judgment and patient, faithful attention to all details. His capacity for labor is marvelous. When engaged in a trial or in search of the law in an important case, or inquiring into a state of complicated facts he is tireless in his industry, often extending his labor after a full day's work in office or court throughout much of the night. In presenting the evidence in court he gives the jury the benefit of all the facts as he feels they are entitled to know the whole story of the case. He is careful and wise in cross-examination and not prolix, is gentlemanly in his conduct of witnesses and sure not to turn the case against his client by anything bordering on abuse or browbeating. He argues his points logically and convincingly and at times eloquently; but he relies on reason rather than oratory in presenting his cases. He never indulges in sophistry or bluff. His papers are concise and to the point—not long and involved—and he presents his arguments to the Supreme Court with convincing power. No man at the Vermont bar can do more for a client and it is doubtful if there is anyone who can do as much.

PRESENT MEMBERS OF THE WINDSOR COUNTY BAR

Fred G. Bicknell, of Windsor, was born at Johnson, December 22, 1872, and was educated in the common schools and in the State Normal School at Johnson. He studied law in the office of Bert A. Hunt at Johnson and was admitted to the bar in 1900. He practiced at Johnson from 1900 to 1912; at Chester from 1912 to 1916; at Windsor from 1916 to date. He was Town Clerk and Treasurer of Johnson; State's Attorney of Lamoille county, 1902-1906; and member of House, 1906.

Herbert H. Blanchard, of Springfield, was born at Berlin, Vt., January 22, 1868. He was educated at the Windsor High School and at the University of Vermont, studied law in the office of Joseph C. Enright at Windsor and was admitted to the bar in 1895. He practiced at Windsor from 1895 to 1898 and since 1898 has practiced at Springfield. He was State's Attorney, 1904-1906; Senator, 1912-1914; Municipal Judge of Springfield, 1908-1910; Municipal Judge Windsor Probate District since 1912.

Frank H. Clark, of Windsor, was born at Reading, August 13, 1860. He was educated at the Green Mountain Perkins Academy and studied law at the University of Michigan and with Gilbert A.

Davis at Windsor. He was admitted to the bar in 1884 and has practiced at Felchville, Newport, New England City, N. D., and Windsor.

Albert G. Cox, of White River Junction, was born at Woodstock, December 4, 1851. He was educated in the common schools of Woodstock, at the Green Mountain Perkins Academy, where he graduated in 1873, and at Dartmouth College, where he graduated in 1877. He studied law with Governor Converse at Woodstock, with Judge Thomas O. Seaver at the same place, with George A. Ballard at Fairfax, and with Judge M. A. Bingham at Essex Junction. He was admitted to the bar in 1890, practiced at Fairfax from 1892 to 1894, and since 1895 has practiced at White River Junction. He was Superintendent of Schools in Fairfax.

Fred C. Davis, of Springfield, was born in Reading, May 29, 1862, and was educated at Green Mountain Perkins Academy and at New Hampshire State College, where he graduated in 1884. He studied law in the office of Gilbert A. Davis at Windsor and in the office of A. M. Allbe at Springfield, was admitted to the bar in 1891 and has practiced at Springfield. He represented Springfield in the House in 1908.

Gilbert F. Davis, of Windsor, was born at Felchville, June 19, 1877. He was educated in the schools of Windsor, graduated at Phillips Andover Academy in 1897, at Lawrence Scientific School, Harvard University, 1901, and at Harvard Law School, 1904. He was admitted to the bar in 1904 and has since practiced at Windsor. He was Judge of Probate for the District of Windsor for a short time in 1920.

Hermon G. Davis, of Bridgewater, was born at Bridgewater in 1847 and was educated in the district schools and at Tufts College. He studied law in the office of Converse and French at Woodstock and afterward taught school, then entered the office of French and Southgate and was admitted to the bar in 1881. He has resided at Bridgewater, but has not been actively engaged in the law. He has held the office of Selectman and has represented Bridgewater in the General Assembly.

R. Ward Dent, of Springfield, was born at Greene, Chenango County, N. Y., January 6, 1864. He was educated in the schools of Schenectady, N. Y., in New York City and at Union College. He studied law in the office of Samuel W. Jackson at Schenectady, was admitted to the bar of New York in 1887 and to the bar of this State in 1915. He practiced in the city of New York, 1889-1909, and has practiced at Springfield since 1915.

Edward H. Edgerton, of Rochester, was born at Warren, August 31, 1863. He graduated at Barre Academy in 1885 and studied law in the office of Stephen C. Shurtleff and in the office of Senator William P. Dillingham at Montpelier. He was admitted to the bar in 1889 and practiced for a brief period in Barre. Since 1890 he has practiced at Rochester. He has held many town offices, is Town Clerk and Town Agent; was a member of the House in 1906 and 1908; Senator, 1910; member of Board of Visitors, Norwich University, 1910-1912; Assistant Judge Windsor County Court from 1913 to December, 1921.

Lawrence F. Edgerton, of Springfield, was born at Rochester, May 3, 1894, and was educated at Phillips Exeter Academy, at Dartmouth College, and at the University of Lyons, Lyons, France. He studied law in the office of his father, Judge Edward H. Edgerton, at Rochester, and at the University of Lyons, where he received the Faculti de Droit in 1919. He was admitted to the bar of Vermont in 1919 and began practice at Rochester. He is now associated with Fred C. Davis and Wade Keyes in practice at Springfield. He has held no public offices, but is a member of the executive committee of the American Legion.

Philip Griffin, of White River Junction, was born at Rutland, December 11, 1888. He was educated at St. Laurent's College, Montreal, the University of Vermont, and at Yale. He studied law at Georgetown University, with Stickney, Sargent and Skeels at Ludlow, and with Raymond Trainor at White River Junction. He was an aviator in the World War, but did not go over sea. He is located at White River Junction and is associated with Raymond Trainor, having been admitted to practice in 1920.

Hugh H. Henry, of Chester, was born at Chester, June 13, 1883, and was educated in the schools of Chester, the Concord High School and at Yale College, where he graduated in 1905. He studied law at the Yale Law School, with Palmer and Foster, with Judson E. Cushman at Burlington and with his father, Hugh Henry, at Chester. He was admitted to the bar in 1907 and practiced at Chester in 1907 and 1908, from 1908 to 1910 with Powers and Hall in Boston, and since 1910 has practiced in Chester. He was Executive Clerk to Governor Mead in 1910 and from 1911 to 1915 was Commissioner of Weights and Measures.

Glenn C. Howland, of Windsor, was born at Jericho, April 15, 1890. He graduated at the Windsor High School in 1908, studied law with Bert E. Cole at Windsor, was admitted to the bar in 1914 and

has since practiced at Windsor. He is Justice of the Peace, Lister and Water Commissioner, and was Village Clerk in 1916. He was elected State's Attorney in 1921.

Wade Keyes, of Felchville, was born at Reading, January 1, 1865, and was educated at Green Mountain Perkins Academy, Goddard Seminary, from which he graduated in 1885, and Tufts College, from which he graduated in 1889. He studied law in the office of William E. Johnson at Woodstock and was admitted to the bar of Vermont in 1892, to the bar of New York in 1895, and to the bar of Massachusetts in 1896. He was admitted to practice in the United States Supreme Court in 1904. He practiced at Woodstock in 1892-1894; in New York City, 1894-1896; in Boston in 1896-1916. He was a member of the firm of Montague and Keyes at 73 Tremont St., Tremont Building, Boston. He is associated in practice with Fred C. Davis and Lawrence F. Edgerton at Springfield. He was elected to the General Assembly from Reading in 1920 and again in 1922.

Harlow G. Evans, of Ludlow, was born at Enosburg Falls, August 26, 1886. He was educated in the common schools of Cambridge, at the Peoples Academy, and at the University of Michigan. He studied law at the University of Michigan and was admitted to the bar in Michigan in 1910 and in Vermont in 1917. He practiced at Cass City, Mich., 1915-1916, and has practiced at Ludlow since 1917. He was Superintendent of Schools at Dakota, Neb., 1913-1914; at Cass City, Mich., 1914-1916; State Supervisor of Schools, Lyndonville, 1916-1917; School Director, Ludlow, 1919.

Ernest E. Moore, of Ludlow, was born at Plymouth, February 10, 1881. He was educated at the Black River Academy, at Brown University, where he graduated in 1906, and at the Plattsburgh Law School, where he graduated in 1908. He studied law in the office of Stickney, Sargent and Skeels at Ludlow, was admitted to the bar in 1909 and since admission has practiced at Ludlow. He was a member of the House in 1915 and State's Attorney from 1919 to 1921. He is Judge of Probate for the District of Windsor.

Hugh Moore, of Hartford, was born at West Canaan, N. H., May 20, 1869, and was educated in the public schools and at Pinkerton Academy and the Kansas Normal College. He studied law in New Hampshire in the office of E. B. Hayes at Manchester and in the office of Mathews and Sawyer and in the office of J. H. Albin at Concord. He was admitted to the bar of New Hampshire in 1906 and to that of Vermont in 1917. He practiced at Lebanon from admission until 1916 and since 1917 has practiced at White River Junction.

Loren R. Pierce, of Woodstock, was born at South Londonderry, December 26, 1878. He was educated in the schools of Londonderry and graduated from the Southern Normal University College of Law in 1901. He studied in the office of Addison E. Cudworth at South Londonderry; he was admitted to the bar of Tennessee in 1901 and to the bar of Vermont in 1903. He practiced at South Londonderry from 1903 to 1915, and has practiced at Woodstock since with the exception of two years spent in the United States Army. He was County Examiner of Teachers in Windham county in 1904; Postmaster at South Londonderry, 1904-1914; First Lieutenant, Infantry, United States Army, November, 1917, to August, 1919; served with the Fifty-second Pioneer Infantry as Adjutant of the first battalion during the Meuse-Argonne operations and south and west of Verdun.

William S. Pingree, of Hartford, was born at Hartford, November 15, 1879, and educated in the grammar and high school of Hartford and at Norwich University. He studied law in the Boston University Law School and in the office of Governor Samuel E. Pingree at White River Junction. He has practiced at the latter place since admission. He was State's Attorney from October, 1916, to 1919.

David A. Pingree, of Hartford, was born in Georgetown, Mass., June 6, 1866, and was educated in the common schools, Phillips Academy, Bridgewater State Normal School, and Boston University Law School. He studied law with Samuel E. Pingree at Hartford and was admitted to the bar of Vermont and of Massachusetts in 1896. He has practiced at White River Junction since admission.

Homer L. Skeels, of Ludlow, was born at Swanton, November 19, 1875. He graduated at Burr and Burton Seminary in the class of 1894, and at Middlebury College in the class of 1898. He studied law in the office of Daniel G. Furman at Swanton and in the office of Stickney and Sargent at Ludlow, and was admitted to the bar in 1902. He has practiced at Ludlow since his admission and is a member of the firm of Stickney, Sargent and Skeels. He was Executive Clerk to Governor Stickney, 1900-1902; Assistant Secretary of the Senate, 1902-1908; Secretary of the Senate, 1908-1914; State's Attorney, 1912-1914; Judge of Probate of the District of Windsor from 1917 to 1920.

Frederick C. Southgate, of Woodstock, was born at Ipswich, Mass., January 28, 1852. He was educated in the common schools and at Phillips Andover Academy and Dartmouth College, where he graduated in 1874. He studied law in the office of William E. John-

son of Woodstock and was admitted to the bar in 1876. He has practiced at Woodstock, where he held the office of State's Attorney, 1892-1894. He has been Judge of Probate for the Hartford District since July 15, 1912.

Roland E. Stevens, of Hartford, was born at Peterboro, N. H., November 24, 1868. He was educated at St. Johnsbury Academy, where he graduated in 1891, and at Dartmouth College, where he graduated in 1895. He studied law in the office of Samuel E. Pingree at Hartford and at the New York Law School. He was admitted to the bar of Vermont in 1900 and the same year to the bar of Massachusetts. He has practiced at White River Junction since admission and for two years had an office in Hanover, N. H. He has held no public offices, but held many places by appointment for the public welfare during the late war. He was made a member of the State Board of Control in 1921.

Fred H. Spalding, of Springfield, was born at Dummerston, November 11, 1874. He was educated at Glenwood Classical Seminary and studied law in the office of Waterman and Martin at Brattleboro and at the Albany Law School, and was admitted to the bar in 1889. He located in Springfield the following year and has practiced since at that place. He has been Village Clerk and Town Grand Juror.

Charles R. Tarbell, of South Royalton, was born at Royalton, February 22, 1850. He was educated at the Normal School and Academy at Randolph and studied law at the Albany Law School and with Philander Perrin at Randolph. He was admitted to the bar in 1870 and has practiced at South Royalton since. He was State's Attorney in 1900-1901.

Herbert G. Tupper, of Springfield, was born at Bakersfield, December 24, 1877, and was educated at Brigham Academy, where he graduated in 1896, and at the University of Vermont. He studied law in the office of Fred S. Tupper at Fairfield and was admitted to the bar in 1902. He has practiced at Springfield since admission and for many years has been a member of the firm of Blanchard and Tupper. He has held only minor town offices.

Raymond Trainor, of White River Junction, was born at St. Johnsbury, December 27, 1878. He was educated at St. Johnsbury Academy and at the University of Ottawa, Canada. He studied law in the office of Dunnett and Slack at St. Johnsbury and with Joseph L. Borham in Hartford, Conn. He was admitted to the bar in Vermont in 1900 and in Connecticut in 1902. He practiced for a time in

DARWIN P. KINGSLEY

Born in Alburg, Vt., May 5, 1857. He was graduated from the University of Vermont in the class of 1881. He was engaged in journalistic work and in teaching for five years after his graduation. Having gone to Colorado, he was elected Auditor of that State, his term covering the period of 1887-88. At the close of his term of office he entered the service of the New York Life Insurance Company. He advanced steadily in his work and in 1898 was elected vice-president of the company. In 1907 he was elected president of the company, a position which he has since held, being one of the great financial leaders of the American metropolis. He is a director of the Chemical National Bank and of the New York Trust Company and president of the New York Chamber of Commerce. He has been a trustee of the University of Vermont since 1897, and has received the honorary degrees of LL. D and L. H. D. Mr. Kingsley is a well-known public speaker and several volumes of his addresses have been published. His residence is in New York. In 1884 he married Mary M. Mitchell, who died a few year later. In 1895 he married Josephine I. McCall.

Hartford and has since practiced at White River Junction. He has been School Director and State's Attorney of Windsor county.

Arthur G. Whitham, of South Royalton, was born at Wakefield, Yorkshire, England, December 23, 1866. He was educated in the private schools of England, taught in Maine and worked in the East and West before locating in South Royalton. Here he studied law with Charles B. Tarbell and was admitted in 1894 and since then has practiced in company with his tutor. He has been Judge of the Hartford Municipal Court since 1915.

Guy Wilson, of Bethel, was born at Bethel, July 11, 1864, and was educated at the Randolph High School and at Dartmouth College. He studied law in the office of his father, James J. Wilson, at Bethel, and was admitted to the bar in 1890 and practiced at Bethel until 1898. He has been Town Clerk since 1904.

John J. Wilson, of Bethel, was born at Bethel, December 15, 1873, and was educated in the schools of Bethel and at the University of Vermont, where he graduated in 1895. He studied law in the office of his father, James J. Wilson, at Bethel and was admitted to the bar in 1898. He has resided at Bethel, and has been Referee in Bankruptcy since 1916.

The admissions to the bar in 1922 were as follows:

Paul A. Chase, Brattleboro.
Marcell Conway, Hyde Park.
Dean D. Davis, Barre.
William H. Edmonds, Burlington.
Frank K. Foster, Rutland.
John M. G. Gibson, McIndoes.
Mrs. Edna G. Jennings, Barre.
George F. Jones, Rutland.
Miss Dorothy F. Leonard, Rutland.
Leslie Monti, Barre.
Paul Giloili, White River Junction.

RELIGIOUS DENOMINATIONS

THE CONGREGATIONAL CHURCH

Rev. C. H. Merrill, D. D.

IN the early years of the settlement of Vermont several causes contributed to give Congregational churches the lead over other Protestant communions. The tide of immigration after the first few years was largely from Connecticut. Moreover, in the township grants, given both by New Hampshire and New York, among the lots reserved for public purposes was one which was to become the private property of the first settled minister. As only one other Protestant communion, the Baptist, "settled" their ministers by ordination or installation, it naturally followed that competition was limited. But more potent than all was the fact that in those days the Congregational Church was of the "Standing Order." Church and State were united in the early settlement of New England. Civil and ecclesiastical establishments went hand in hand. If, as Mr. Palfrey alleges, the first Missionary Society in Protestant Christendom was the General Court of Massachusetts, then Connecticut, which early required a Congregational Church in every township in the State, comes in a close second. Thus it naturally followed that when Vermont took on its statehood among the first acts passed by its General Assembly was one in 1780 empowering towns to levy taxes for both building meeting houses and supporting ministers. Subsequent acts required these ministers to be of the order favored by the majority of the inhabitants, and exempted only those who could show they were supporting other orders. Not until 1807 were all laws uniting church and State repealed. Thus it was that Congregationalism took its early start in Vermont and gained a prestige it has never lost. Today it is relatively, in proportion to population, the strongest Congregational State in the Union. The large foreign immigration has taken this distinction away from Massachusetts, and quite recently from Connecticut. While one in fifteen of the population of Vermont are members of some Congregational Church, there is only one in nineteen in Connecticut, one in twenty-two in New Hampshire and one in twenty-seven in Massachusetts.

The First Protestant Service

The first Protestant service within the boundaries of what is now the State of Vermont was probably held in the town of Rockingham, near Bellows Falls, at the mouth of the Williams River, in March, 1704. Rev. John Williams, taken captive by the Indians in the Deer-

field massacre, tells in the story of his captivity of preaching a sermon, during a Sunday halt, to the remnant of his parishioners carried with him. Twenty-four years later there is record of a Congregational chaplain stationed at Fort Dummer, within the limits of what is now the town of Brattleboro. But it was not until 1762 that the first organized Congregational Church appeared in the State. This was in the town of Bennington. It was composed of two churches from the towns of Sunderland and Hardwick, Mass., joined by the church from Westfield, Mass., and their pastor, and later by a part of the church from Lisbon, Conn. All these were of a class of "separatists" of those days, not for a time in "regular" fellowship.

Early Churches

The following were for the most part in the valley of the Connecticut River on the eastern side. A church in Newbury far to the north, on the "Lower Coos" meadows, appears in 1764, taking in the settlers on both sides of the river. Then follow Westminster, Windsor, Guilford, Brattleboro, Norwich, Hartford, Thetford, until in 1773 on the west side of the State the West Rutland church was organized. In 1780 there were twenty-one churches, all with the two exceptions, Bennington and West Rutland, on the eastern side of the State. From that time on the increase was rapid. In 1800 there were ninety-four, nearly all in the southern half of the State. In the year 1818 there were one hundred and sixty-seven, the increase being largely in the western and northern parts; and in 1830 two hundred and three were reported, with 17,236 members.

Missionary Activities

Missionary activities are to be credited with a large part of this increase. While it is true that none of the early churches up to nearly the close of the eighteenth century had direct missionary aid, they were not all of them without missionary visitation. In 1774 the General Association of Connecticut took into consideration "the state of settlements westward and northward of us, who are destitute of a preached gospel, many of whom are our brethren, emigrants from this colony." In 1780 they recommended two ministers "for service in Vermont and parts adjacent." And in 1798 a missionary society was formed to prosecute the work systematically. The men employed were pastors of Connecticut churches who spent their summer vacations making horseback tours, visiting settlements where their parishioners had gone, administering to them the sacraments and organizing new work. It is interesting to trace their itineraries as they have reported them. Beginning usually in the Champlain valley they went north to the mouth of one of three rivers and followed them up to

their source, rarely going over the divide to the eastern side. One man reports a trip of eight hundred miles. Some of these pastors remained to take charge of churches that became among the largest of our order, and left names most honored in our annals. In 1804 a group of ministers in the State took over this work, organizing a missionary society, which under different names has prosecuted it in various ways until the present day.

Growth, Decline and Recovery

During the decade following 1830 there were extensive revivals throughout the State. At no period during our history have there been such large accessions to our churches, especially in rural communities. It is true that the statistics of those days must be taken with a large margin of discount. But even so, there can be no mistaking the upward trend. According to the figures reported there were in 1837 one hundred and ninety-three churches with 23,036 members, a number which has not since been reached until 1916, when 23,129 were reported in two hundred and fifteen churches. The 1921 statistics show 23,040 members in two hundred and thirteen churches. From that time, 1837, on for two decades there was a serious decline. This was due to a variety of causes. Internal convulsions among the churches, occasioned by Anti-Masonic, Anti-Slavery agitations, Millerism, and eccentric evangelism, disrupted many. But the loud call West, which took in two instances churches organized for the removal, and in several others caused them to have more members in single localities West than at home, was the chief contributory reason. To meet this condition, in the summer of 1856, Sir Thaddeus Fairbanks of St. Johnsbury addressed a letter to the secretary of the Missionary Society, calling attention to conditions showed by a recent survey and suggesting a plan to be laid before the coming anniversary at Waterbury. An estimate of the expense accompanied it, and a pledge for the underwriting was given, duplicated by one from his brother, Governor Erastus Fairbanks. Substantially the plan was a revival of the old itinerant work, only in this case the men employed were students from theological seminaries during their vacations. The engagement of these men and the supervision of their work were for a time under the direction of Rev. Henry Fairbanks, son of Sir Thaddeus, just graduated from Andover Seminary. A large number were employed for several years, men of great promise and superior ability, many of whom rose to take positions of first rank in the denomination outside of the State. The decline was speedily arrested. Even through the decade of the Civil War there was slow growth. In the midst of the following decade, 1870-80, there came another extensive revival in which laymen were prominent leaders. It was under the auspices

of the Y. M. C. A. The men who went out were called "Gospel Workers." All "evangelical" denominations shared in the work and in the great ingatherings. Later in the following decade another review of religious conditions in the State, especially in the rural regions and in the "Gores" lying between the parishes, led to the employment of young women from the Moody Training Schools. These were sent out two by two for personal visitation, holding cottage meetings, and eventually opening the doors of old abandoned meeting houses. The resurrection of old churches and formation of new through the two following decades was due largely to this agency. And while, like other special efforts made to meet special conditions, both workers and methods have changed, the impetus given is still felt in our continued growth and enlargement.

The Vermont Congregational Conference

The State organization, now bearing the name of the Vermont Congregational Conference, had its origin in a gathering of five ministers, among them Swift of Bennington and Burton of Thetford, in the study of President John Wheelock of Dartmouth College, in Hanover, N. H., August 27, 1795. For many years it was constituted wholly of ministers, usually meeting in a pastor's study. Later it admitted laymen under restrictions, in 1841 took the name of Convention of Ministers and Churches, was incorporated in 1872; but not until 1892 did it become democratically representative and is now, under the name "Conference," composed of the pastor and delegate from each church, together with permanent officers and members of committees and boards. The county organizations consist of Associations or unions of Ministers; and Conferences, now called Associations, of Churches. The latter, fifteen in number, whose boundaries do not always conform to county lines, meet annually as a rule, with a membership directly representative of the churches.

The Domestic Missionary Society

The Domestic Missionary Society, having its origin in 1807 under the name of the Vermont Missionary Society, was re-organized in 1818 under the name of the Vermont Juvenile Missionary Society, and again in 1826 under its present name the Vermont Domestic Missionary Society. At this last date it became auxiliary to the National Home Missionary Society, and in 1872 it was incorporated. This Society has for its functions the raising of home missionary money, the larger part of which is used in this State, the supervision of aided churches, the holding of trust funds and the publication of the State paper. Membership in this body is identical with membership in the State Conference, with which it annually meets. Quite

recently radical changes have been made, bringing the two organizations into closer vital relations. The board of directors is the same for each, and the secretary of the Conference, who also at present is the associate secretary of the Missionary Society, has supervision of all the churches in the State. This is in accord with the present trend toward stressing the principle of fellowship in the Congregational order. In missionary work, women's societies have been active from early days. At first they usually bore the name of "Female Cent Societies," after the pattern of those originally formed in New Hampshire. Later they were all merged in the Vermont Branch of the Women's Board of Missions, formed in 1872 for the foreign work, and the Woman's Home Missionary Union, formed in 1888.

Publications

Religious periodicals have been published for periods of years. The *Vermont Advisor,* a monthly publication, 1809-15, was the first. The *Evangelical Monitor,* a fortnightly magazine, edited and published by Rev. Walter Chapin, Windsor, 1821-23, followed. In 1826, under the direction of the State General Convention, the *Vermont Chronicle* was started, a weekly paper published in Windsor, owned and edited for many years with marked ability by E. Carter Tracy. It was subsequently moved to Montpelier, then to St. Johnsbury, printed for a time in connection with the New Hampshire religious paper, and in 1898 sold to the *Congregationalist.* In 1888 the *Vermont Missionary* began to be published as the organ of the Domestic Missionary Society. It was at first a four-page monthly sheet, with matter taken largely from missionary columns in the *Chronicle.* Later it was enlarged to eight pages, dropped connection with the *Chronicle,* became the organ jointly with the Women's Societies, and now is the State representative of all the churches.

Educational Institutions

In accordance with the genius of Congregationalism the churches of the State have been foremost in fostering its college, Middlebury, and its almost innumerable academies. The former, chartered in 1800, has had a most worthy career in fulfilling its purpose of recruiting the ministry. And the latter, though in large part now merged with the high schools of the State, still shows a list of noteworthy survivors in Burr and Burton of Manchester, Thetford, Craftsbury, Peacham and St. Johnsbury.

Geo. O. Stratton.

Pastors

The list of pastors, under whose leadership the churches have made history, is a long and honorable one. Few only can be mentioned, and those by no means in all instances the most prominent and influential. Among the life pastorates are: Asa Burton, Thetford, forty-six years, famous for his private "School of the Prophets" and defender of the conservative type of Calvinism against Doctor Emmons in his book setting forth what was popularly known as the "Taste Scheme"; O. G. Wheeler, South Hero, forty-six years, pithy writer of short articles for the *Chronicle;* Alfred Stevens, Westminster, West, forty-four years, "Father" of all his colleagues; Leonard Worcester, Peacham, forty-two years, whose son, John H., died early in his ministry of the First Church, Burlington; William S. Hazen, Northfield, forty-two years, of a family furnishing in three generations nine ministers and missionaries, all but two serving in Vermont; Cyrus Drake, Royalton, forty-one years, faithful in his chosen field; Thomas A. Merrill, Middlebury, thirty-nine years, dominant in church and college, leader in State Convention and Missionary Society for fifty years, in whose handwriting has come down to us the records of our early history, together with anniversary pamphlets carefully preserved; Daniel Kent, Benson, thirty-six years, whose son, Cephas Henry, served Vermont churches a life time, and grandson, Evarts, held two pastorates in the State; and William H. Lord, Montpelier, thirty years, who died in active service in his ministry at the capital, where his strong personality was felt by all officials of the State. With only two exceptions all these men bore the honorary degree of Doctor of Divinity. Many became pastor *emeritus* after active service, continued living in the parish and are buried there in "God's Acre." Others well meriting this classification held well nigh as long pastorates after or before serving briefly in other fields. Among them are: Asa Lyon, South Hero, forty-six years, a member of Congress, 1815-17; Lemuel Haynes, West Rutland, thirty years, the colored minister famous for his keen wit and eminent as a scholar; Stephen Fuller, Vershire, twenty-eight years, whose son, Joseph, held two pastorates in the same church; Ammi Nichols, Braintree, forty-one years; Parsons S. Pratt, Dorset, forty years; Daniel Wild, Brookfield, thirty-seven years, whose two sons and one grandson were prominent in service in the State; Silas McKeen, Bradford, thirty-seven years, in two pastorates; and Isaac Jennings, First Church, Bennington, thirty-four years, historian of church and town, followed after a brief interval by his son, Isaac. The list of families serving two generations is long. Prominent among them are: Charles Walker and his son, Geo. Leon, both holding pastorates in Brattleboro; William S. Smart of Benson and Brandon, father of I. C. Smart of College Street, Burlington; James Buckham,

Chelsea, father of President Buckham of the University of Vermont; and Chandler N. Thomas, New Haven, father of President Thomas of Middlebury College. But time would fail to tell of the Barstows, Byingtons, Clarks, Ferrins, Ranslows, Sewalls, Tenneys, Torreys and others who have done faithful service and left precious memories in the churches. A unique record is that of S. R. Hall, who, while pastor in Concord, 1822-30, started the first normal school, and was author of a textbook upon the geology of the State. Of families prominent in civil as well as ecclesiastical affairs are those of the Fairbanks of St. Johnsbury and the Smiths of St. Albans. The first in two generations furnished two ministers and two governors, while Dr. Worthington Smith, pastor in St. Albans, 1823-49, and president of the University of Vermont until his death in 1855, furnished in the two generations following two governors, who were also presidents of railroads.

Historians

Rev. Pliny White, of Coventry, began collecting material for the history of our Congregational churches during the period of the Civil War. Much of it he found in the mills where the accumulations of garrets had been sold for paper stock. At his death in 1869 he bequeathed this material to the General Convention. In the hands of the statistical secretary, Rev. A. W. Wild, who labored over it faithfully for many years, but brought it down only to 1830, it had increased to such an extent that it was found impractical to publish. Accordingly, with his consent it was placed in the library of the Congregational House, Boston. Mr. Wild's successor in the office of statistical secretary, John M. Comstock, of Chelsea, has with great labor and rare skill condensed this vast material and brought it down to 1914. This little volume of one hundred and ninety-nine pages, an invaluable mine of information, has been published by the State Conference, and a copy deposited with the clerk of every church.

Vermont's Contribution to the Ministry

In years past the report was popularly current that out from the Taconic Range, which extends from the Champlain valley down into the Berkshires, had gone more ministers, ministers' wives and missionaries than from any other equal area on the face of the globe. Some shadow of substance to such an extravagant claim, surely Vermont may modestly share. Of the 1,007 Congregational and Presbyterian ministers which Mr. Comstock has credited to different towns in the State, the town of Hartford heads the list with twenty-five, Cornwall closely following with twenty-four. Bennington, Rutland and Randolph have each nearly a score, while many of the small towns

make up in quality what they lack in quantity. From Calais, where the church has never had more than a fitful existence, there has gone N. G. Clark, secretary of the American Board, Constans Goodell of St. Louis and Israel Dwinell of Sacramento, Calif. Special mention may well be made of some in the long list. Jeremiah Evarts of Sunderland, 1781-1831, a graduate of Yale, admitted to the bar in 1816, was editor of the *Panoplist* in Boston for a time, then treasurer of the American Board and from 1821 until his death its corresponding secretary. His son, Senator Evarts, long made his summer home in Windsor, where his family has kept up the estate. Bennington furnished the first missionary to the Sandwich Islands in the person of Hiram Bingham, 1780-1861, who with his family played so large a part in the rapid Christian development of that people. From Middlebury went out Truman H. Post, 1810-1866, college instructor East and West, a student of law, pastor of a Presbyterian church in St. Louis, then founder of the First Congregational Church, 1851, and long known as the "Outpost" of Congregationalism beyond the Mississippi. It was in the Pilgrim church of this city that Constans Goodell, 1830-1886, did his great work. Though born in Newburyport, Mass., his family came early to Newbury and it is with the Newbury church that the name of Geo. H. Atkinson, 1819-1889, is always associated. Commissioned as a missionary of the American Board, he sailed round the Horn to Oregon, via Honolulu, 1847-48, and was for over forty years a leader in church, missionary and educational affairs upon the Pacific coast. From Pittsford went out Geo. N. Boardman, 1825-1915, professor in Chicago Theological Seminary, 1871-1893; and Simeon Gilbert, 1834-1917, associate editor of the *Advance* in Chicago through all its varied career. From Cornwall went C. M. Mead, 1836-1911, author and scholar, professor in both Andover and Hartford Seminaries; and his brother, Hiram Mead, 1827-1881, professor in Oberlin Seminary. Enosburg contributed Francis B. Denio to Bangor Seminary; and Burlington, John W. Buckham to the Pacific Seminary. Geo. B. Spalding, Montpelier, 1835-1914, was the immediate successor of Horace Bushnell in Hartford, Conn., and after pastorates in Vergennes and Dover, N. H., went to a long service in a Presbyterian church in Syracuse, N. Y. H. N. Burton, 1826-93, of Washington, where the church of our order had but a feeble existence, did student work in the State, and after a memorable pastorate in Newbury went West to prominent pulpits in Ohio and Michigan. From the long list furnished by the churches in Brattleboro, John C. Holbrook, 1808-1900, may be noted as one who went West to a distinguished career in Iowa and California. East Hardwick furnished Elnathan E. Strong, 1832-1914, to be editorial secretary of the A. B. C. F. M. from 1878 until his decease. From St. Johnsbury went F. D. Ayer, 1833 to 1919, for thirty years

pastor of the First Church, Concord, N. H.; and Geo. H. Ide, 1839-1903, pastor of a prominent church in Milwaukee. Geo. Leon Walker, 1830-1900, pastor of the First Church, New Haven, and the Centre Church, Hartford, Conn., was born in Rutland, though his more intimate relations were with Brattleboro and Pittsford. Of those now living mention may be made of James L. Barton, of Charlotte, secretary of the American Board, authority on the Eastern questions and advisor of diplomats and statesmen; and Edward L. Smith, of Montpelier, a member of the "Washington Band," since called East to become district secretary of the American Board. In Berlin was born A. W. Hazen, who has had a life pastorate of more than fifty years in Middletown, Conn.

Itinerant Licentiates

To the great profit both of the workers themselves and of the fields where they labored, Vermont has employed young men from the seminaries at different times. Of those mentioned here none were natives of the State, and no one returned to take a pastorate after his graduation. The name of Levi Parsons takes precedence. Though born in Massachusetts his father, Justin Parsons, was pastor in Pittsfield, Vt., while he attended Middlebury College. During his course in Andover Seminary he came in the summer of 1817 to do itinerant work in the State. So successful was he in bringing a great spiritual uplift to the communities visited and so impressed with the destitution which had followed a waning in missionary interest, that he returned after graduation and spent a year in canvassing the State, reorganizing the Missionary Society and replenishing the treasury. As a missionary of the American Board he sailed for Syria in 1819, accompanied by a brother missionary Pliny Fisk, who during the summer of 1818 had labored in Wilmington. After a brief two years' work, which has placed his name high in missionary annals, he died in Alexandria, Egypt, in the care of Mr. Fisk, who survived him only two years. In the middle of the last century when the itinerant work was revived we find the names of E. P. Goodwin, at Burke, 1859 and 1860, afterwards pastor of the First Church, Chicago, over thirty years; C. H. Richards, at Duxbury, 1858, pastor in Madison, Wis., and Philadelphia, now secretary of the Church Building Society; F. A. Noble at Barnet, 1859, pastor of the First Church, New Haven, Conn., and Union Church, Chicago; Newman Smyth at Plymouth, 1866, pastor of the First Church, New Haven, Conn.; A. E. Dunning at Stratton, 1868, editor of the *Congregationalist;* and M. C. Julian at Bridgewater, 1870, long pastor in New Bedford, Mass.

THE EPISCOPAL CHURCH IN VERMONT

Rt. Rev. George Y. Bliss, D. D., Bishop Coadjutor of Vermont

THE Diocese of Vermont is coterminous with the boundaries of the State. The first clergymen of the Episcopal Church to settle in what is now the State of Vermont were the Rev. Bethuel Chittenden, a younger brother of Thomas Chittenden, the first Governor of the State, the Rev. Reuben Garlic, the Rev. Daniel Barber and the Rev. James Nichols. The Rev. Bethuel Chittenden settled in the town of Tinmouth in 1774. He was ordained in Connecticut by Bishop Seabury, at that time the only Bishop of the Church in New England, on June 1, 1787. Like his older brother, he had only a common school education, but like him he had uncommon natural abilities, good sense and an unsullied character and reputation. He labored at first in Tinmouth, and from 1790 to 1809, the year of his death, in Shelburne. So active was he as a missionary that groups of church people in scattered sections of the State received his ministrations, among whom he administered the sacraments of the Church until he became too infirm to travel. The Rev. Reuben Garlic, born in New Milford, Conn., about 1742, was ordained by Bishop Seabury, July 29, 1787, and two years later removed to Alburg, where he was the only settled minister and where he continued to labor, going also to Jericho and Essex in his missionary journeys until his removal to Canada in 1803. The Rev. Daniel Barber, also born in Connecticut, was ordained by Bishop Seabury on October 19, 1786, and soon after became the first settled clergyman in the town of Manchester, where he continued to officiate until his removal to New Hampshire in 1795. The Rev. James Nichols, a native of Connecticut, received Holy Orders in England. He came to Arlington in 1784, and labored there until 1788, and in Sandgate from 1790 to 1796. He was deposed from his office and ministry in 1799. These were the first priests to have what may be called definite cure of souls within what now is the Diocese of Vermont.

Earlier Missionaries

But earlier than the dates given above, clergymen of the church from Massachusetts or Connecticut had come into this northern region on missionary tours. In 1767 the Rev. Samuel Andrews of Wallingford, Conn., made a journey of three weeks visiting in Vermont, both Arlington and Sunderland. He writes: "The settlers have been in Arlington three or four years. I am the first clergyman that has been among them. However, I found that they had constantly at-

tended the service of the church at the house of Captain Jehiel Hawley, a gentleman of unblemished reputation and good understanding, who has read prayers for them ever since they have been settled there, by which means a sense of religion is preserved among them." In 1769 the Rev. Harry Monro of St. Peter's parish, Albany, visited Arlington and baptized twenty-one persons. The next year the Rev. Samuel Peters from Hebron, Conn., came up along the Connecticut River, visiting the towns of Strafford, Windsor and Thetford, and on his journey of some seven hundred miles preached as often as every other day and baptized thirty-five persons. The Rev. Gideon Bostwick of Great Barrington, Mass., made eight distinct visits into the southern part of the State between the years 1772 and 1789. Services to church people in the Connecticut valley were given also by the Rev. Tillotson Bronson of Hanover, N. H., who, between 1786 and 1788, gave a fourth of his time to Strafford, Vt. The Rev. Ranna Cossitt of Claremont, N. H., in the same way divided his time and effort between the east and west sides of the Connecticut River.

By such ministrations from three or four settled ministers and from others living elsewhere, the scattered adherents of the Episcopal Church in Vermont received the word and the sacraments during the last three decades of the eighteenth century.

Lay People

Of the settlers who entered this region prior to the year 1800 few had been trained in the Episcopal Church. But these few were staunch churchmen with strong convictions. They had become weary in the older portions of New England, of fines and exactions imposed for non-attendance at Puritan worship and for using the Prayer Book in services of their own. They were attracted moreover by the grants of land, "Glebes," for the benefit of the "Church of England," made by Governor Benning Wentworth of New Hampshire in some one hundred and twenty-five townships in what is now Vermont. Emboldened to think that during some years of hardships and peril in the wilderness, they might make themselves homes on this fertile soil, escape the annoyances to which they had been subject and find in these church lands, when brought under cultivation, a means for maintaining the ministry of the church, they moved to the "Hampshire Grants." Actuated by these motives, groups of churchmen settled in various towns in the southwest, and in a few in the Connecticut valley. By such men, Arlington was settled about 1764, Tinmouth a few years later; Manchester received a number, also Dorset, Rupert, Sandgate, Sunderland, Bennington, Pawlet, Wells, Castleton and Rutland. Farther north before 1790 there were clusters of churchmen in Bethel, Shelburne, Vergennes and Alburg, while on the east side

EARLE S. KINSLEY

Born in Cambridge, Vt., November 4, 1869. He was educated in the public schools in Burlington and in Washington, D. C. He entered the insurance business and has been a general agent of the National Life Insurance Company since 1897, residing at Rutland. He was appointed a page in the Vermont House of Representatives in 1880 and a messenger in the United States Senate in 1881, serving for four years. He was Official Reporter of the Vermont Senate, 1886-88. Gov. Fletcher D. Proctor appointed him Chief of Staff, with the rank of Colonel. He represented the city of Rutland in the Vermont Legislature in 1908. In 1916 he was chosen a Presidential Elector. He was a member of the Republican State Committee, 1908-12, its secretary four years, and was acting chairman in 1912. He was elected Vermont member of the Republican National Committee in 1914 and re-elected in 1916 and 1920. In 1920 he was National Director of Republican Clubs for the National Committee. He was Rutland county chairman of the second, third, fourth and fifth Liberty Loan Campaigns and Vermont State chairman for the war work campaign of 1918. He married Clara Chase of Burlington. Two children, George S. and Hester M., have been born to them.

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Frank B. Kinney

similar groups settled in Strafford, Hartland, Norwich, Thetford, Springfield and Weathersfield. Among these early settlers were men whose family names reappear in the successive records of the church from that time to the present. There are the Hawleys, and the Hards and the Hurds, the Chittendens and Canfields, Bucks, Bostwicks, Baldwins and Chases, the Whitneys, Squires and Blakes, the Ogdens, Chipmans, Whitlocks and Woosters. Some twenty groups of these people existed within the borders of the future State prior to 1790. Not one of these groups was as yet an organized parish in the strict sense of the term. Only two church buildings had been erected. Such gatherings for worship as were held were mostly in private homes, and laymen read the services from the Prayer Book. Such are the facts regarding the condition of the Episcopal Church when the first Convention of the Church in Vermont was held in Arlington on September 20, 1790. Two clergymen and eighteen lay delegates were present. From that date to the present year churchmen in Vermont have assembled each year in diocesan convention so that the meeting in 1922 was the one hundred and thirty-second annual convention of the Diocese of Vermont.

The First Bishop

The church in Vermont was as yet without Episcopal supervision and complete diocesan autonomy was impossible until a bishop had been ordained and consecrated. Two attempts before 1800 were made to secure such Episcopal oversight, but both attempts failed. It was not until 1811 that by a union of the future dioceses of Rhode Island, Massachusetts, Maine, New Hampshire and Vermont, the Rev. Alexander Viets Griswold was chosen, ordained and consecrated to exercise Episcopal jurisdiction over this combined territory under the title of "Bishop of the Eastern Diocese." Bishop Griswold was consecrated in Trinity Church, New York, on May 29, 1811. From that date until 1832, a period of twenty-one years, he continued to minister as chief pastor over this distant section of his extensive diocese, making trips from time to time from his home, first in Rhode Island, and later in Salem, Mass., visiting the scattered congregations, baptizing, confirming, consecrating church buildings, and by his wisdom and zeal encouraging and strengthening the few and often unshepherded members of his flock. Bishop Griswold was not a man of great learning or erudition, but his evident piety and meekness, his entire consecration to his work, and his earnest, affectionate simplicity, fitted him peculiarly for the pioneer work to which he was called. The serious obstacle to the growth of the church during his episcopate was the lack of ministers suitably trained. Priests of the church in

numbers were wholly inadequate. Three and four were as many as could be depended upon for the score or more parishes.

Manchester and Arlington, before 1820, had strong congregations; Sheldon and Fairfield in the north had over a hundred baptized members; ninety-six persons in these two places were confirmed by Bishop Griswold in 1817, and seven at St. Albans. Montgomery and Berkshire had congregations organized and supported by a group of able laymen, among whom may be mentioned the Hon. Stephen Royce, Chief Justice and later Governor of Vermont, Dr. Amherst Willoughby, Messrs. Dolphus Paul, Seth Goodspeed, David Coburn, Rufus Smith, John H. Clap, Roswell Catlin and Rufus Hamilton. From this group of laymen came the Rev. Joel Clap, the first white child born in Montgomery, September 4, 1793, son of Capt. Joshua Clap. He entered the University of Vermont in 1809, studied law in Sheldon with the Hon. Stephen Royce and was admitted to the bar in 1815. While practicing his profession in partnership with Mr. Royce he studied for the ministry and was ordained by Bishop Griswold in October, 1818. He was successively in charge of the congregations in Montgomery and Berkshire, in Shelburne and Bethel, in Woodstock and Bellows Falls, finally returning to his parish about 1860, and while there died February 21, 1861. On the east side of the State congregations were growing up in Windsor, Bellows Falls and Guilford. Thus the church in Vermont prospered during the score of years it was in union with the "Eastern Diocese."

The Right Reverend John Henry Hopkins, D. D.

The Convention of 1831 was the last in Vermont over which Bishop Griswold presided. At this convention, held in St. James' Church, Arlington, August 31, it was decided that Vermont should sever its connection with the Eastern Diocese. At the next convention, held in St. Stephen's parish, Middlebury, on the 30th and 31st days of May, 1832, the act of separation was consummated, the Diocese of Vermont became an independent diocese "subject only to the law of our Lord and Saviour, and to the constitution and canons of the Protestant Episcopal Church in these United States," and on Thursday, May 31, 1832, the Rev. John Henry Hopkins, assistant at Trinity Church, Boston, was elected Bishop of Vermont. The future bishop at the time of his election was forty years old, having been born in Ireland, son of Thomas and Elizabeth Hopkins, on January 30, 1792. He died in Burlington, January 9, 1868, after presiding over the diocese for thirty-five years and seven months.

Bishop Hopkins was consecrated in St. Paul's Chapel, New York, on October 31, 1832 and immediately arranged to move to Vermont. So expeditious were his movements that the following week

saw him in Burlington, where, on Sunday, November 11, he officiated for the first time in his new diocese. On Monday the 12th of November, he set out on his return to Boston to wind up his affairs there and to secure the removal of his household to Burlington. This he did so that he was permanently settled in his new home on November 21, 1832, and on the following Sunday, the Sunday next before Advent, November 25, he consecrated St. Paul's Church, Burlington, which had been recently completed and the rectorship of which he was to hold along with his office and duties as bishop of the diocese.

These four weeks of expeditious movement are characteristic of Bishop Hopkins' whole episcopate. He was a strong personality, a man of great vigor and untiring energy, both intellectual and physical. His gifts were varied and by no means inconsiderable; a writer whose published works number nearly a score, a musician, a painter, the products of whose brush still adorn some of the churches he built, and an architect who, when a church was needed in the diocese, could furnish both architect's and builder's drawings. One of the best products of his skill in this direction is the Vermont Episcopal Institute at Rock Point, Burlington, probably the earliest example of collegiate Gothic in the United States. It was to be expected that under leadership thus endowed the church in Vermont would advance with accelerated progress. At the bishop's first convention, held in Trinity Church, Rutland, May 29, 1833, there were reported thirteen clergymen, twenty-five parishes or congregations, sixteen church buildings, one rectory and about 1,100 communicants. At the end of twenty years, that is, in 1853, the bishop reported twenty-five clergymen, thirty-one parishes or congregations, twenty-eight church buildings, twelve rectories and about 1,900 communicants. In the fifteen years that remained up to the time of the bishop's death, the above figures increased, and in 1868 were as follows: Clergymen, twenty-five (no increase); parishes, thirty-eight; churches, thirty-four; rectories, sixteen; and communicants, 2,300. The Senior Bishop by consecration is the Presiding Bishop of the Church in the United States. By divine providence Bishop Hopkins succeeded to this office in 1865. It was, therefore, as the Presiding Bishop of the Church that in the summer of 1867, attended by his oldest son, the Rev. John Henry Hopkins, Jr., he went to England to be present at the first Lambeth Conference. This was his last official appearance outside his own diocese.

The Second Bishop of Vermont

To choose a successor to Bishop Hopkins a special convention was called to meet at St. Paul's Church, Burlington, on March 11, 1868. The convention met and the Rev. William Henry Augustus Bissell, D. D., rector of Trinity Church, Geneva, N. Y., was chosen,

and at the annual convention of the diocese held three months later in Christ Church, Montpelier, was consecrated bishop and entered upon his labors as the second bishop of Vermont. Bishop Bissell by birth was a Vermonter. Born in Randolph, November 10, 1814, he graduated from the University of Vermont in 1836, was ordained deacon in 1839 and priest in 1840. But as a priest he never labored in the diocese over which later he presided as bishop. But as he stated "no traveller from foreign lands ever returned with greater delight to his long forsaken home than he did to the mountains and hills of his native State." It was possibly providential that Bishop Bissell in personality, natural endowments, education, training and experience, presented so marked a contrast to his distinguished predecessor. He sprang from Vermont soil, his education and training were in his native State, experienced as a teacher and in his long rectorship at Geneva as a parish priest, he brought back to the diocese, at the age of fifty-four, a sympathy, knowledge and practical wisdom that in the administration of the diocese proved to be as valuable as were the more brilliant gifts of Bishop Hopkins. His episcopate spanned a period of almost exactly twenty-five years. It was a period when the population of the State was making little increase and when such immigration as was received from abroad came in large measure from the Province of Quebec. And yet during this quarter of a century the growth of the Episcopal Church exceeded in percentage the growth of population and also the rate of increase in the church during the years preceding. In his twenty-five years Bishop Bissell consecrated twenty-two churches, built fourteen rectories, ordained twenty-three priests and confirmed 5,726 persons. The number of communicants increased from 2,300 to 4,241. The value of church property in the diocese more than doubled. Missionary offerings increased as three to one. Sunday schools, both as regards the number of pupils and the thoroughness of instruction, greatly improved. The diocesan boards that have been such valuable aids to the bishop in the administration of the diocese, "the Trustees of the Diocese," "The Trustees of the Fund for the support of the Bishop," and "The Trustees of the Aged and Infirm Clergy Fund" were formed and incorporated during this period. In all departments, financial, parochial, educational and missionary, there was a steady and healthy growth. The diocese was preparing to celebrate the twenty-fifth anniversary of Bishop Bissell's consecration when he was removed from the scene of his earthly labors. He died in Burlington, Sunday, May 14, 1893, at the age of seventy-eight years and six months.

The Third Diocesan Episcopate

A special convention of the diocese to choose Bishop Bissell's successor met in St. Paul's Church, Burlington, on June 22, 1893. The result of the meeting was the election of the Rev. Samuel Hart, D. D., a presbyter of the Diocese of Connecticut. The Reverend Doctor Hart, having declined the election, a second convention called to meet in Burlington on August 30 chose the Rev. Arthur Crawshay Alliston Hall, M. A., of Oxford, England, who had served in Massachusetts from 1873-1891. The election was confirmed and accepted and Bishop Hall was ordained and consecrated in St. Paul's Church on the Feast of the Purification, February 2, 1894. At the age of seventy-five and after twenty-eight years of vigorous leadership, Bishop Hall continues as the chief pastor of his flock, honored and revered at home and throughout the church in England and America, esteemed and respected for his learning, scholarship and spiritual power.

At the time when the Bishop's health was seriously impaired assistance was given him by the consecration in 1913 of the Rev. William Farrar Weeks as Bishop Coadjutor. The short, brave and pathetic episcopate of Bishop Weeks was terminated by death on October 23, 1914, and on April 21, 1915, the Rev. George Yemens Bliss, D. D., was consecrated to carry on the work as Coadjutor that Bishop Weeks had so bravely attempted.

Thirty-five years, twenty-five years, and twenty-eight years are the periods of the three episcopates that span the history of the church in Vermont as an independent diocese. Progress during the third period, as marked by statistics, shows about the same measure of growth as in earlier years. In 1921 there were in the diocese seventy-two parishes, missions and missions stations, sixty-seven church buildings, thirty-two rectories and twelve parish houses. There were 10,147 baptized members of the church, of whom 6,150 were confirmed. Including the two Bishops and one deacon there were fifty clergy canonically connected with the diocese, although not all in active service. There is received, raised and expended for church purposes, parochial, diocesan, missionary, educational and benevolent, each year about $110,000 and the total value of all church property in the diocese, real and personal, aggregates $1,700,000.

Education

Bishop Hopkins early devoted himself to the founding and building up of a diocesan church school. In less than eight years after coming to Burlington he had purchased land, erected buildings, opened a school, and through financial failure lost all, inheriting from the brave but premature venture an indebtedness of $13,000 which he

personally assumed. Undismayed by this initial failure he later renewed his efforts. He collected funds not only in his own diocese, in other parts of the country, but in England also. For years he pursued this arduous task before it was felt that the amount collected warranted a second venture in building. A site on the beautiful property at Rock Point, near Burlington, was chosen, ground was broken and foundations laid when again the work was checked. It was not until 1860 that the building now known as the Vermont Episcopal Institute was completed, and in September of that year opened for pupils. The Rev. Theodore Austin Hopkins, a graduate of the University of Vermont and a son of the Bishop, was the first principal of the academic department. A theological department for the training of young men for the priesthood was projected and actually opened but continued a few years only. The diocesan school for girls, known as Bishop Hopkins Hall, also on the Rock Point property, was built and opened its doors in September, 1888. For about ten years the two schools were conducted simultaneously and successfully. Later it was deemed best to close the Vermont Episcopal Institute. An endowment fund of $100,000 was raised for Bishop Hopkins Hall, which under wise and careful management has come to be one of the leading private schools for girls in northern New England, widely known for its high scholastic standing combined with Christian teaching.

THE CATHOLIC CHURCH

Rev. C. C. Delany, D. D.

THE History of Vermont would be incomplete without some notice of the rise and growth within her borders of that institution, which has been, since its very foundation, one of the most potent factors in the intellectual and moral development of the human family, the world over, the Catholic Church.

While it is the purpose, therefore, of this chapter to avoid such an omission in a measure, only a cursory glance can be taken, in a general history of the State, of the wide field of Catholic activities, that would more properly find fuller space in a specifically ecclesiastical work; but a day may come when a more extended account of religious events, occurring in over a century of time, may be penned; and, no doubt, such a volume will form one of the most interesting pages in the annals of the American Church.

The earliest beginnings of the Catholic Church in Vermont, like the lofty peaks of her beautiful mountain range, so often lost in the morning mists, are enshrouded in obscurity, at the dawn of her civilization. Evidences there are, however, and not a few, to show that Catholicity was contemporaneous with the earliest settlements. From the Northland came the French at an early date, in the wake of the great explorer, Samuel de Champlain, who passed up the Sorel (Richelieu) and along her coast in the summer of 1609 on his way to Crown Point and the Mohawk Country; they glided along the placid waters of the lake that bears his name and up the rivers at its northern end, those early *voyageurs* and *coureurs de bois,* in their rude bateaux and canoes, singing their native melodies that recalled the home of their childhood in distant Brittany, to the stroke of the oar and the paddle, and mingling with their patriotic songs, the sublime chants of the Old Church they loved so well, and making the virgin forest ring with the echoes of that music which ever thrills the soul of a Frenchman.

In their periodic trips up and down the lakes and rivers the hardy pioneers were never alone in their wanderings; wherever their adventures led them for a time the faithful missionary priest followed their footsteps and pitched his camp in their midst, sharing their dangers and ministering to their spiritual needs, and at the same time carrying the Cross and salvation to the benighted children of the forest.

In one of those trips up the lake a settlement was established on Isle la Motte, and a fort was built there as early as 1665. This fortress, constructed by Captain de la Mothe, was called St. Anne and stood there many years as a monument to the courage and enterprise of the French explorers.

From the Archives of Quebec we learn that Bishop Laval of Quebec (Bishop 1658-1688) visited Fort St. Anne during the year 1668; he was the first Bishop to set foot on the present territory of the United States.

Hon. David Read, of Burlington, in his history of the town of Colchester, asserts that "Isle-la-Motte, in the county of Grand Isle, has the honor of being the first point within the limits of Vermont, where a civilized establishment and occupancy were commenced." He dates this occupancy as far back as the spring of 1665, when "M. de Tracy, Governor of New France, ordered Captain de la Mothe to proceed up Lake Champlain, and erect another fortress" (one had already been built at Sorel, the mouth of the Richelieu) upon an island, which he designated. It was completed that same year and named Fort St. Anne.

This fortress, he continues, was not only built but occupied for a long period of years by the French as a garrison, and the island itself was occupied by them for nearly a century.

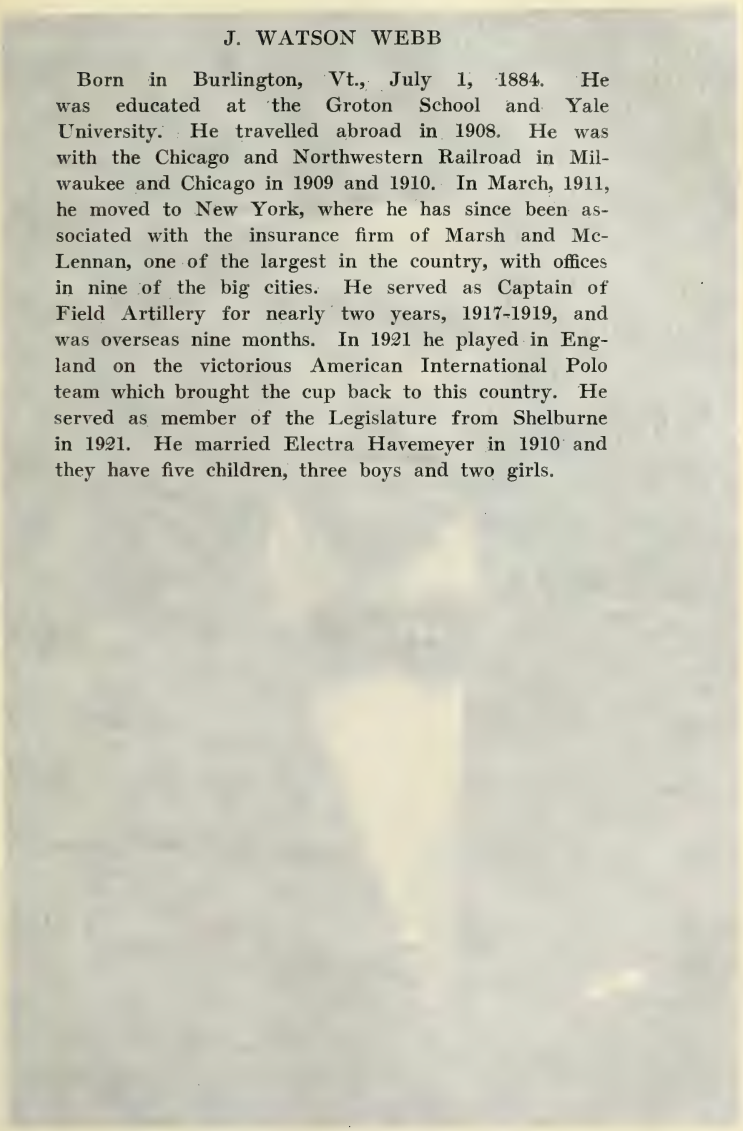
I have mentioned these things to show the time as well as the nature and extent of this occupancy at Isle-la-Motte; and by comparing dates it will be seen that the building of Fort St. Anne at the Isle-la-Motte was but forty-five years after the landing of the Pilgrims at Plymouth, twenty-five years before the erection of the little stone fort at Chimney Point in Addison by Jacobus de Warm, and fifty-nine years before the occupancy of eastern Vermont was commenced, by the building of Fort Dummer, upon the west bank of the Connecticut River in the county of Windham.

It is worthy of note, *en passant,* that the black gown as the early missionary fathers, the Jesuits and the Recollects were called, followed their newly-made converts among the savage tribes in their wanderings and lived with them in their camps.

These Indian camps were situated in northern Vermont (along the rivers) at an early period. There is an old tradition among the St. Regis Indians, mentioned in the chronicles of Mrs. Smalley in her history of Swanton, that as early as 1613, only four years after Champlain sailed up the Richelieu and the lake to which he gave his name, a missionary priest came to visit them in their encampment on the Missisquoi River near Swanton, and then passed on to all the small Indian settlements along the eastern border of the lake. But these traditions are not authentic history. In the light of such historical data as here given, there can be little doubt that the very first Christian religious cult established and practiced in the State was none other than that of the Catholic Church. But this was only of a transitory character, as these first encampments were soon abandoned entirely, or at least not continuously occupied.

J. WATSON WEBB

Born in Burlington, Vt., July 1, 1884. He was educated at the Groton School and Yale University. He travelled abroad in 1908. He was with the Chicago and Northwestern Railroad in Milwaukee and Chicago in 1909 and 1910. In March, 1911, he moved to New York, where he has since been associated with the insurance firm of Marsh and McLennan, one of the largest in the country, with offices in nine of the big cities. He served as Captain of Field Artillery for nearly two years, 1917-1919, and was overseas nine months. In 1921 he played in England on the victorious American International Polo team which brought the cup back to this country. He served as member of the Legislature from Shelburne in 1921. He married Electra Havemeyer in 1910 and they have five children, three boys and two girls.



J. Watson Webb

While such sporadic attempts at settlement were being made in the northern part of the State by the early French explorers and their successors, few Catholics, if any, were found among those who early penetrated the New England States as far north as the "New Hampshire Grants," coming along the Connecticut River from the south or along the Hudson and the lake from the Dutch settlements.

Not until 1822 is there found any authentic record of a Catholic priest connected with a congregation in Vermont. In that year mention is made of a Rev. James McQuaide as doing missionary duty among the scattered members of his church at Middlebury, in Addison county. His services extended over a period of about a year.

From this time until 1830 this first Catholic congregation was without a priest. But the year of 1830 marks a distinct step forward for Catholicity in Vermont. On July 15 of this year Father Jeremiah O'Callaghan, a zealous Irish priest from Cork, was sent to Burlington by Bishop Fenwick of Boston as a permanent missionary in this part of the then Diocese of Boston. Burlington, with the rest of Vermont, was under the ecclesiastical jurisdiction of Boston until twenty-three years later, when it was erected into a separate see.

During these twenty-three years the Catholic Church in Burlington and throughout the whole State is closely identified with the name of Jeremiah O'Callaghan. He was then not a young man (he died and was buried at Holyoke, Mass., in 1861), but in spite of his years his activities as a missionary were unflagging, and with the equally zealous assistance of Rev. John B. Daley, who was sent to Middlebury in 1835 to replace Rev. James Walsh, carried on nearly all the missionary labors in the State.

One of his first undertakings was to secure for the Catholics of Burlington a suitable place for worship. This he accomplished in 1832, when he erected a small church on a portion of the site of St. Joseph's Cemetery on Hyde St. The church was unpretentious, for the Catholics were not wealthy, but were naturally proud of their achievement. It was the first of its kind in the whole State.

The land on which it stood, as well as the few acres around it, was a donation to the Catholic Society by Colonel Hyde, who subsequently became a member of the Church. In this building the Catholic community, both the English speaking and the French Canadians, many of the latter having already come into the States, held their services until 1838, when the church was destroyed by fire.

The cause of the fire was never satisfactorily accounted for, but it was suspected to have been of incendiary origin. Be this as it may, it simply tends to manifest at this time that the Catholics were generally looked upon with suspicion by their neighbors and, perhaps, not without some reasons.

Most of them were foreigners or the immediate descendants of foreigners, some of them not even acquainted with the language of the country. Still they were honest and hard-working, intelligent and thrifty, and intensely religious and devoted adherents to the faith of their fathers; and with all, they were self-sacrificing and gave generously of their scanty means for the upbuilding of their churches and schools.

Burlington was then only a big town (it was chartered as a city in 1864) and was not free from the narrowness characteristic of small communities. But there were to be found there, even at that early day, men like Archibald Hyde, of broad culture and wide experience, who were gifted with the prophetic vision of the seer and beheld in perspective what others only discovered after years, when placed directly under their gaze, that this church was calculated to mould her children, not only into loyal and faithful members of her own religious communion, but also into staunch and devoted citizens, who were to display in the great crisis of the sixties, which shortly followed, a spirit of loyalty and staunch adherence to country and flag, equal to that entertained for and exhibited toward their church and their religion.

Nor has this same spirit of generous loyalty ever been wanting on any occasion when the country has required a sacrifice on the part of her citizens. In the Civil War, in the great battles for the Union, and in the World War the Catholic population was everywhere numerically prominent, betraying a courage and whole-souled cooperation equally distinguished.

Speaking of the early Catholic population of St. Albans half a century ago, Mrs. B. H. Smalley makes this pertinent comment: "A large proportion of the Catholic congregation which assembles in this place is composed of young people (descendants of foreign Catholics) who were born and brought up on the soil and who will compare favorably with any class descended from Americans, for native intelligence, education, industry, morality and piety, while in physical power and endurance they are greatly superior."

"The bitter prejudices, created and fostered by the rancorous partisans of the most un-American of all our parties, which styled itself *par excellence,* the American party, have been proved to be cruelly unjust and the experience of the country during the past war has abundantly demonstrated that the foreign Catholic population and their descendants, so far from forming a dangerous element in our society, are in fact among its best and most reliable safeguards.

Instructed by a clergy who abstain from all interference in political matters, except to admonish their people diligently of their duty to be subject to their rulers in all obedience, taught by the bitter experiences of oppression abroad, the value of free and liberal institu-

tions here, and unbiased by the temptations of ambition which unfortunately lure too many of our fellow citizens from the paths of rectitude and duty in the quest of office, they are not to be outdone by any class in the practice of the social and domestic virtues or in the exercise of true patriotism.

But these mists of misunderstanding and suspicion that hung for a time over Catholicity and its professors gradually melted away in the light of knowledge and truth, and a better feeling towards the Catholics was begotten by that spirit of fair play so distinctive of our American people.

After the loss of their little church on Hyde St. the Catholics were given the use of the basement of the Old Court House, where they held services from 1838 till 1841, when Father O'Callaghan, generously assisted by the people of his own flock and encouraged by the other citizens, erected St. Mary's Church on the corner of St. Paul and Cherry Streets, which served as the parish church until the construction of the Cathedral, when it was appropriated for the parochial school.

While diligently laboring for the welfare of his own flock at Burlington, Father O'Callaghan was not unmindful of the other Catholic communities scattered here and there throughout the State. All these missions to the north and east were periodically visited by him or some other priests—principally French Canadians, like Father Mignault of Chambly, who was made a Vicar General of the Boston Diocese—and their spiritual needs attended to.

Contemporaneously with Father O'Callaghan, or nearly so, from 1835 Father Daley of the Boston Diocese was engaged in similar labors among all the scattered missions of the southern part of the State, where he acquired a wonderful reputation for spiritual powers.

But about the years 1847 and 1848, the period of the famine in Ireland and that of railroad building in Vermont, there was an influx of desirable citizens and the tide of immigration was at its flood from the Green Isle. Up the St. Lawrence and through the lake to the port at Burlington came many a boatload of poor, Irish immigrants, seeking their fortune in a new land, "the land of the free and the home of the brave," came with all their native wealth, not much materially, but with honest hearts and with an intense love for liberty and for the faith of their forebears, and with an undying remembrance of the land of their birth; they came and pitched their tents in the Green Mountain State, where they felt "at home"— so much did it put them in mind of the little Green Isle of the Ocean they had so recently left behind them.

At this period also, and for some years before, many Canadian families crossed the northern frontier and settled along the border in the neighborhood of the Lamoille and the Missisquoi Rivers. The

Catholic population forthwith greatly increased owing to the above-mentioned reasons and the natural prolificness and moral purity of these families.

Thus it was soon perceived by the ecclesiastical authorities that the missionary system up to this time obtaining in Vermont was no longer adequate for the requirements of the Church. It was, therefore, determined to detach the State from the jurisdiction of Boston and erect it into a separate diocese with the episcopal see at Burlington.

In pursuance of this wise determination, Rev. Louis de Goesbriand, then a missionary priest of the Diocese of Cleveland, Ohio, was consecrated Bishop in the Cathedral in New York City, November 3, 1853, and placed over the newly created see of Burlington, which included the entire State of Vermont in its jurisdiction.

This was a red-letter day for the Catholics of Vermont. The choice of Louis de Goesbriand as the first Bishop of Burlington in these pioneer days of religion was a most happy one. His ecclesiastical training under the direction of the venerable Father Icard of Paris, who afterward became the Superior General of the Sulpican Society, and his extensive experience in missionary work in Ohio in his early sacerdotal career, rendered him well qualified in every way for the arduous duties that fell to his lot as missionary Bishop of Vermont; for Bishop de Goesbriand was above all a missionary Bishop. Filled with a spirit of zeal that recalled the days of the Apostles and a firm and abiding faith, endowed with a clear and sympathetic intelligence and fairly good physical constitution, although he was not apparently robust, he traveled up and down the State, teaching, catechizing and preaching (in season and out of season) for nearly half a century, during which time he guided the spiritual destinies of the people committed to his care, "with a fervor of mind," as Parkman has said of the Jesuit martyr, Father Lalement, "that sustained him through exertions of which he seemed physically incapable," and remained till his death as full of holy enthusiasm as when he came fresh from the unctions of the consecrating prelate.

The zeal and energy displayed by the young Bishop, then about thirty-seven years old, soon infused new religious life and vigor into all the Catholics of the diocese. In many of the larger towns and villages, where formerly priestly visits, like the proverbially angelic ones, were few and far between, missions now grew up, parishes were established, and suitable church buildings were constructed and permanent charges given.

But, abundant as the harvest seemed to be even for these early times, the laborers were few; there was a great lack of priests. It was too soon to expect native vocations to replenish the ranks of the clergy. To remedy this condition of affairs the new Bishop was obliged to make repeated trips to the Old World for recruits. In these

journeyings he was rewarded with some success. From France, especially from Brittany, his native province, be brought back with him zealous men, willing to exchange the comforts of home and country for a life of toil and suffering in the new missionary fields of America. From Ireland, too, came some few generous souls, impelled by the prospect of affording their expatriated brethren in the New World, the priceless consolations of their holy religion.

Among this devoted band of pioneer priests who were induced by the new Bishop's self-sacrificing example to share his labors for God and Church the names of Fathers O'Reilly, Halpin, Boylan, Lynch, Riordan and Druon, Clavier and Cloarec were household words in Catholic families for many a year, and will be ever held in reverence by the Catholic people of the State.

Upon his return from his recruiting trip to Europe the Bishop made the children of the congregation one of his first cares. It was his frequent practice to gather them around him on Sunday afternoons in Old St. Mary's—he was endowed with an excellent voice and a practical knowledge of music—and to lead them in congregational singing.

His love of the little ones was very marked, particularly for the orphans. Before the end of the year 1854 he had acquired the old Pearl Street House that stood at the corner of South Prospect and Pearl Streets, across the way from the new Medical College building, and converted it into a convent and school for girls.

This building, besides, was used for many years as an orphan asylum until a new structure was erected for a like purpose, on North Avenue in 1883, and now known as St. Joseph's Orphanage.

To take charge of the orphans of the diocese and to conduct the parochial schools of the parish, Bishop de Goesbriand invited the Sisters of Charity of Providence from Montreal, where this community of the Sisterhood had then recently been instituted by Bishop Bourget.

The coming of the nuns to Burlington stirred up in the bosom of many a young woman a desire to follow a religious vocation. Many a one very effectively answered the call, and they have become models to hundreds of self-sacrificing young women of Vermont, who have since, for God's glory, devoted their lives nobly to the welfare of humanity in our charitable and educational institutions.

The Sisters of Providence were superseded in the care of the Catholic schools of Burlington in 1874 by the Sisters of Mercy, but they still retained their charge of the Orphanage—a function they at present exercise.

While the church at Burlington was thus being more systematically organized, other Catholic communities caught the good inspiration, and the next decade saw the erection of substantial buildings at Mid-

dlebury, Brandon, East and West Rutland, Bennington, Brattleboro, Montpelier, St. Albans and Swanton.

At Middlebury the Rev. John B. Daley had constructed a good brick church as early as 1839, a building forty by sixty feet, and the parish was placed in charge of Father Duglue in 1854. This edifice served as a place of worship for the people in this locality and its environs till the present fine marble church replaced it, under the direction of Rev. James D. Shannon.

About the time of Bishop de Goesbriand's coming to Burlington there were some fifty Catholic families at Brattleboro near old Fort Dummer, the second earliest white settlement in Vermont. Like Middlebury, in Addison county, where the white man colonized earliest, Brattleboro was destined to have a church and Catholic mission from the very beginning. Father Z. Druon, who had been ordained to the ministry in 1853, was sent there the following year.

He did not build a church at once, but secured an old paint shop on Elliott Street, refitted the building for a place of worship, and here for about a year held services for the few members of his flock. The following year, 1855, saw Rev. Charles O'Reilly in charge of this mission, which soon began the erection of a handsome brick church.

Father Halpin took charge of the parish in 1869, and after his death Rev. N. St. Onge attended the mission till Father Henry Lane became pastor. Under the latter's administration a school house and a rectory were purchased for the parish and the Sisters of St. Joseph, who had come to Rutland from Flushing, L. I., in 1873, were placed in charge of the school.

Many improvements were made by Father Lane and Father Cunningham, who had replaced him, in the church property. St. Michael's parish has indeed become, under these priests and their successors, Fathers Carmody and Rand, the present pastor (1921), one of the most prosperous and promising missions in the diocese.

The Catholics of Bennington, like those at Burlington, held their services in the Court House for a number of years before 1850, and were visited from time to time by Father O'Callaghan of Burlington. When Father John B. Daley came to Middlebury he relieved Father O'Callaghan, going to Bennington at regular periods. But in 1855 the Bishop sent Father Druon, who had been at Brattleboro, to take up his residence at Bennington. He built a suitable church for the people and attended them in spiritual matters for two years, being succeeded by Father Boylan of Rutland, who cared for this mission until 1869, when Father Jerome Cloarec was sent there as resident pastor.

During the latter part of the eighties and the earlier of the nineties Rev. John S. Michaud, who afterwards became Coadjutor Bishop of Burlington, erected a large and handsome marble edifice as a church

WALLACE W. NICHOLS

Born in Danby, Rutland county, Vt., March 26, 1876. He was educated in the public schools, the Wallingford High School, Rutland Business College and had spent one year in the College of Medicine of the University of Vermont. He removed to Rutland in 1892 and was employed for several years as a clerk and travelling salesman. In 1902 he helped to organize the Rutland Power Company, serving as vice-president and secretary. He is a member of the clothing firm of Nichols and Barney, is president and treasurer of the Nichols-Chapman Hardware Company and is a director of an investment company at Oberlin, Kans. He is a director of the Baxter National Bank, and is active in the farm loan and real estate business. He is also president of the State Mutual Fire Insurance Company. He has been an Alderman of the City of Rutland and was a State Senator in 1920. He was city food administrator during a part of the World War. He has been active in the Baptist denomination in the State and in Y. M. C. A. work. He is a trustee of Vermont Academy. He married Anza L. Butler, daughter of Judge and Mrs. F. M. Butler, November 24, 1900.

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Wallace W. Nichols,

building. His successor, Father Barron, constructed a convent and school and the present rector, Rev. Thos. R. Carty, increased and further embellished the church buildings by the purchase of a commodious residence near the church for a rectory.

At St. Albans, in August, 1864, Bishop de Goesbriand solemnly blessed and dedicated the then recently completed church of St. Mary's. He was assisted by Rt. Rev. Bishop McFarland of Hartford, Conn., who delivered the sermon of the occasion, a most eloquent one, we are told, in the presence of a large number of clergy and an immense congregation. The construction of this edifice was begun many years before, and the work several times suspended for various reasons.

Up to this period, from far back in 1825, the few Catholics in this vicinity were attended at intervals by Rev. William Ivers, Rev. George A. Hamilton, Rev. Henry Lennon, Rev. T. Shahan and Rev. E. McGowan, and the ubiquitous and untiring Father O'Callaghan from Burlington. The corner stone of the church was laid in August, 1849, by Bishop McCloskey, then of Albany, N. Y., and afterwards Archbishop of New York City and Cardinal. Successively in charge of this parish, which was known as St. Mary's, and a French parish, which had grown up in more recent times, were Rev. T. Riordan, Rev. E. Danielou and in the latter part of 1865 Rev. Z. Druon was made permanent rector, who was succeeded upon his demise by the late Rev. D. J. O'Sullivan.

No records are found at the State's capital to show that any Catholic Church was founded in Montpelier before 1850; but the statement historically made that about that date the Catholic congregation is the largest in the town (1850-53) would indicate that the place was occasionally visited by a priest and that the Catholics were not neglected before this time.

In 1850 a Canadian priest, Father H. Drolet, took up his residence at Montpelier and ministered to all the Catholics there and in the surrounding towns until his return to Canada in 1854. It was this priest who bought the Old Court House and converted it into a church, which was made use of by the Oblate Fathers who succeeded him in 1856, when Very Rev. Z. Druon, V. G., was given charge of the parish. During his assignment, which extended till July 15, 1864, when he was replaced by Father Duglue, he built a brick church here in 1859, which was dedicated to St. Augustine. The Catholics were ably assisted in their efforts to obtain a suitable site for their church through the interest of Gen. D. W. C. Clarke, who was Secretary of the State Senate that term.

The General wrote to his wife on November 3, 1850: "I attended mass at Montpelier, Friday morning (All Saints), stealing quietly away from my seat in the Senate Chamber for that purpose. The poor Catholics looked upon me with surprise as I knelt among them,

and declined the offer of a 'better place.' I rather like you know to kneel right among the most humble, and God knows I belong there. Mass was celebrated in the new Church the Catholics are finishing off. It was formerly the Court House, within a dozen rods of the State House." On November 13 of the same year he obtained the adoption by both branches of the Legislature of a resolution (87, Acts of 1850) whereby the Catholic Society was given by the State the use of so much land as the completion of their new church would require.

Since that day the Catholic population has increased many-fold and hold their services in a splendid granite edifice built by Father William O'Sullivan.

The Capital can boast likewise of one of the largest parish schools in the diocese.

For some years the increasing duties with the administration of ecclesiastical affairs imposed on Bishop de Goesbriand had become more and more burdensome, and on April 4, 1892, Rev. John Stephen Michaud, ordained a priest of the diocese June 7, 1873, was named Coadjutor Bishop, with the right of succession. He was consecrated at Burlington, his native city, by Most Rev. J. J. Williams, then Archbishop of Boston. The selection of the new Bishop Coadjutor, whose already long and eminently successful career in the ministry gave every reason for promise, fulfilled the most sanguine expectations. A thoroughly versed business man, practical in the best sense of the word both by inclination and acquirements, the Coadjutor Bishop left on every one of his undertakings—and these were numerous, for he was closely connected with every good work in the diocese for sixteen years—the impress of his own thoroughness and his own sound judgment and common sense.

On one occasion he said to me, "Do you know I was born for a builder." And in truth he was, for he was never idle, but always had some building project in mind or in hand. The sixteen years of his Bishopric witnessed the greatest material prosperity in the diocese; and if Louis de Goesbriand merited by his tireless activity in missionary work the title of "the missionary bishop," just as rightfully is John Stephen Michaud entitled to be called the "builder bishop" of the Catholic diocese of Vermont.

Among the many noteworthy acts of administration due to the wisdom and foresight of Bishop Michaud was the incorporation of the diocese. Hitherto all church property had been deeded to the Rt. Rev. Bishop de Goesbriand and held in his name. By the act of incorporation all the titles of ecclesiastical realities, such as churches, schools, rectories and cemeteries were vested in a self-perpetuating body, composed of the Rt. Rev. Bishop and four priests, the incorporators, to be known and legally recognized as the "Roman Catholic

Diocese of Burlington, Vermont." This act of incorporation, needless to say, gave great strength and prestige to the Catholic body through the State, especially in financial circles.

The articles of incorporation were signed at Burlington, March 25, 1896, and the first meeting of the newly created corporation took place in that city, April 7, in the same year. The several persons named in the Articles of Association as corporators, to wit: Louis de Goesbriand, John S. Michaud, Daniel J. O'Sullivan, Norbert Proulx and James D. Shannon were present, and organized the meeting by the election of Rt. Rev. Louis de Goesbriand chairman and C. C. Delany clerk.*

In recognition of his many services to his native State in the spiritual and material order, the University of Vermont conferred on Bishop Michaud the honorary degree of Doctor of Laws.

In his premature demise (December 22, 1908) Vermont lost one of its foremost churchmen and one of its most progressive citizens.†

The See of Burlington left vacant by the death of Bishop Michaud was filled by the consecration, April 14, 1910, of Rev. Joseph John Rice, D. D., a priest of the Springfield Diocese and pastor of St. Peter's Church, Northbridge, Mass.

Since the present Bishop's incumbency continued progress and expansion have gone on apace in religious circles. Ecclesiastical affairs have been better coordinated and the educational system more fully organized and invigorated. The parish school, where the moral training of the child is more adequately looked after, has attained its widest development in the last decade, over twenty-one parishes having their own schools conducted by able teachers.

In the new Catholic High School, recently established in Burlington, the Bishop has opened the way for undreamed of possibilities in the realm of higher education; and in St. Michael's College at Winooski Park an academic course of studies is placed at the door of every ambitious Catholic boy in Vermont.

But the material and spiritual progress of the church, thus far seen in the larger villages and towns, reflecting the new impetus to religious life, radiating from Burlington, was only one phase of her marvelous expansion.

Outside the "little fold" the seed, being more plenteously scattered, fell at times upon "good ground" and the positive doctrines and authoritative teachings of the Old Church made deep impressions on serious minds and soon "brought forth good fruit."

*By-laws of the R. C. Diocese of Burlington, Vermont.

†A more extensive notice of Bishop Michaud's life and works may be found in *The Vermonter* of November and December, 1908, page 343.

The first notable person to catch the rays of the "kindly light" Dr. Newman wrote of when catching its genial glimmer himself was Fanny, the youngest daughter of the great hero and leader of the Green Mountain Boys, Gen. Ethan Allen.

Fanny Allen was one of General Allen's three children by his second wife, Fanny (erroneously called Lydia) Buchanan, whom he married at Sunderland or Westminster, and when she had grown to womanhood she entered the Convent of the Hotel Dieu at Montreal and died there after a saintly career. The Fanny Allen Hospital at Winooski Park, in sight of her father's monument in Green Mount Cemetery, was named after her by the late Bishop Michaud, who founded the institution and placed it in charge of the Sisterhood of which she was a devoted member, as a fitting monument of her faith and charity.

Another noteworthy convert to Catholicity, a name of national fame, was that of Orestes A. Brownson, who was born in 1803 and entered the Church, after many spiritual wanderings, in 1844. A great thinker and a great writer, he is said to have been one of the brightest lights America has produced. A suitable monument to his memory has been erected by the Knights of Columbus at Stockbridge, his birth place.

Rt. Rev. Bishop Wadhams, the first incumbent in the See of Ogdensburg, N. Y., was a Vermonter and a convert to the Catholic Church.

Miss Abbie M. Hemenway, one of Vermont's noted historians, who was born in Ludlow, also became a member of the Church.

Between 1855 and 1860 the Misses Barlow of Fairfield, Debbie, Helen and Anna, became members of the Catholic communion; but perhaps the most remarkable accretion was that of the Rev. William Henry Hoyt, who was for some years pastor of the Episcopal Church at St. Albans and afterwards became editor of the *Burlington Sentinel,* one of Vermont's oldest newspapers. Upon the reception of Father Hoyt into the Church (he became a priest after the death of his wife) all his family followed his example, as well as his sister-in-law, the wife of Captain Tucker of Burlington, and her children.

Mention has been made of these few converts to the Catholic Faith, and there were many others, to show the powerful influence of the Catholic teachings even outside her own communion.

Mr. Hoyt embraced the Catholic faith in July, 1846, and his step was followed by several other well-known non-Catholics, all in that section of the State.

Among the most prominent were G. G. Smith and his family, Hon. L. B. Hunt with his first wife and at a later period his second wife with her daughter, B. H. Smalley, Esq., a well-known lawyer of Franklin county, with his sister, Miss Laura B. Smalley, and his

whole family, as well as his mother-in-law, Mrs. Cynthia Penniman, widow of the later Dr. Jabez Penniman of Colchester.

In recent times two of Vermont's most distinguished sons have embraced the Catholic religion, Judge Wendell P. Stafford, formerly of St. Johnsbury, now Judge of the Supreme Court of the District of Columbia, and Dr. Julius Hayden Woodward, a native of Castleton, formerly professor in the Vermont Medical School and later head of the eye department of the Post-Graduate School of New York City.

Within the fold there were not wanting, even in these infant days of the Church, promising young minds who were afterwards to become men on national note and of world-wide repute. Among such may be recalled the name of the late Most Rev. John Ireland, Archbishop of St. Paul, Minn., who spent his early boyhood days in Burlington. On North Prospect Street in that city can be pointed out to the visitor the site of the family home of this illustrious churchman.

A no less distinguished name is that of Most Rev. Alexander Christie, a native of the northern part of the State, who still occupies the arch-episcopal see of Oregon City.

The Catholics of Vermont, animated with that zeal which their Church has ever manifested in every age and in every clime, to fulfill the divine mission of teacher and guide, committed to her care, early began the establishment of schools.

In doing so they had no apology to make their fellow citizens; they were not antagonistic to the public schools already maintained by the State, in which no religious instruction could be imparted, but they realized this deficiency and, while courageously bearing their proportionate share of taxation for the support of the public schools, generously contributed to the building and the upkeep of their private or parochial schools, where their children might receive all the advantages of a secular training, and at the same time be not deprived of the rich spiritual legacy handed down to them by their fathers, which their Church has ever regarded as the only true basis and foundation of Christian morality.

How few adequately appreciate the enormous economy to the State and the great relief from extra taxation to the taxpayers in general afforded by the parish school system. It is difficult indeed to form a just estimate.

In a small town on the Connecticut River the annual expenditure for the schools in 1920 was little less than $95,000 and the average attendance at school about 850 pupils, making a cost of nearly $112 per pupil. If such a basis of computation may be assumed, one can glean what an extra weight of taxation would be immediately thrown upon the taxpayers, in addition to the ponderous burden they already bear, were the 7,750 children, now under Catholic tuition in the twenty-one parochial schools (1920), to be provided for from public funds,

in the event of the suspension of the parochial schools—an amount something like $868,000 annually, not to mention the cost of building and equipping new schools to replace the present parochial schools.

Before the Bishop's arrival in Burlington, in 1853, the parochial schools were in the hands of laymen. But soon they were placed in charge of the religious of the various orders, the Sisters of Mercy having their supervision till the present day at Burlington. St. Patrick's Academy was built on the site of the old McWilliams' place on St. Paul Street and served as a convent and home for the sisterhood till the erection of Mt. St. Mary Academy on Mansfield Avenue.

Under the late Bishop Michaud's administration, St. Michael's College, conducted by the Fathers of St. Edmund, was established at Winooski Park, and the Cathedral schools replaced the old St. Mary's school at Burlington. The present Bishop, Rt. Rev. Joseph John Rice, has largely widened the field of Catholic educational endeavor in the entire State, particularly by the encouragement he has afforded pastors in the establishment of new schools in their parishes and by the strong incentive given to Catholic parents, to fit their children for higher courses of education, in his recent erection in Burlington of an attractive and substantial edifice, the Cathedral High School building, which is reckoned as second to none of its kind in the State.

Outside of Burlington, where there are two young ladies' academies, St. Joseph's and Mt. St. Mary, in charge of the sisterhood, Catholic education has made marvelous advances in the last half century.

Besides the parochial schools, academies and boarding schools for young women have been organized in the larger places, such as the "Villa Barlow" at St. Albans, St. Joseph's at Rutland, and St. Francis de Sales at Bennington, St. Peter's at Winooski, St. Michael's at the capital, and St. Louis' at St. Johnsbury.

Nor has the Church, in her solicitude for the intellectual advancement and moral welfare of her members, lost sight of her obligations to charity. For the sick she has two hospitals to her credit, one at Winooski Park in charge of the Sisters of the Hotel Dieu, another at St. Johnsbury under the direction of the Sisters of Providence, and still another, the Bishop de Goesbriand Hospital, now (1922) under construction in the city of Burlington. Two homes for the aged, one at Burlington, the other at Rutland, attest her thoughtfulness for the old people, and the little ones, prematurely bereft of their natural protectors, find a safe home with the kind Sisters of Providence in St. Joseph's Orphanage at Burlington. Here two hundred and forty orphans find a foster-home. Allowing $4.00 per week for each orphan (the sum which the State Board of Charity allows to foster-parents who care for orphans) this means an annual

ELBERT S. BRIGHAM

Born in St. Albans, October 19, 1877. He was educated in St. Albans High School and Middlebury College, graduating from the latter institution in 1903. His occupation is that of a farmer and he has successfully practiced modern agricultural methods. He has served as State Commissioner of Agriculture since 1913 and is well known throughout agricultural circles in the United States. The University of Vermont bestowed upon him the honorary degree of Master of Science.

Elbert A. Brigham

saving of $49,920.00 to the State. Add to this the sum it would cost the State to supervise the placing out and caring for these children, one realizes the enormous savings to the State through St. Joseph's Orphan Asylum.

In fine, the organization that practically came into being ninety years ago with two priests, a few irregular assistants, no churches and a handful of scattered Catholics through the State, now (1921) has to its credit a Bishop and over one hundred priests, ninety churches and a Catholic population of nearly 100,000.

While the foregoing brief sketch of Catholic activities in the Green Mountain State traces in part the beneficent results flowing from the Church's influence exercised for good in a little more than three-quarters of a century, and is indeed creditable to those whose disinterested efforts were instrumental in achieving so much in so short a space of time, it points out, likewise, the way to greater projects which remain yet to be undertaken and realized in the future, and calls for that same spirit of self-sacrifice and generosity, so evident in years gone by, if the Church shall attain her full measure of usefulness.

THE BAPTIST CHURCH

THE first Baptist Church in Vermont was organized at Shaftsbury in August, 1768. It is related that Samuel Robinson, the most influential member of the Bennington settlement, was accustomed to inquire the denominational preferences of would-be purchasers of land. Congregationalists were settled in Bennington, Episcopalians were directed to Arlington, while it was recommended that Baptists seek homes in Shaftsbury or Pownal. No pastor was settled for several years, but it is related that two of the members had "ministerial gifts." The first Baptist pastor was John Millington, who was ordained November 23, 1782. A church was organized at Pownal in 1772, but its activities were discontinued for several years. The church at Wallingford, organized February 10, 1780, is said to be the oldest Baptist Church in the State now (1921) in existence. In 1780 a second Baptist Church was established in Shaftsbury. A third in 1782 and a fourth in 1783. Later there was a union of churches. The Shaftsbury Association was formed in 1780, consisting of the two Shaftsbury churches and the Baptist organizations in Cheshire, Mass., and White Creek and Stillwater, N. Y. In 1801 the Shaftsbury Association commended to the churches a proposition to raise funds "for the purpose of sending missionaries to preach the Gospel in destitute parts of our frontier settlements." Itinerant ministers were sent into Vermont from Maine and Massachusetts.

Delegates from the Baptist churches in Clarendon, Danby, Manchester, Granville, N. Y., and Middleton, N. Y., with four pastors met in Elder Joseph Cornell's barn in Manchester, in May, 1785, and organized the Vermont Association. In 1791 there were fifteen churches and four hundred and four members in the Association, which included a region extending from Manchester to Georgia. In 1817, eight hundred and sixty-six persons were received by baptism and one hundred and seven by letter. Ten years later most of the churches of the Vermont Association were north of Manchester and in 1818 another meeting was held in Elder Cornell's barn and the Manchester Association was formed. It included Arlington, Manchester, Dorset, Rupert, Londonderry, Winhall and Hebron, N. Y. A little later Pawlet and Wallingford joined.

The Addison County Association was formed November 13, 1833, at Whiting, and included Addison, Bridport, Bristol, Ferrisburg, Middlebury, Monkton, Panton, Weybridge and Whiting.

The first Baptist Church in the eastern part of the State was organized at Guilford, in 1780, with Richard Williams as its pastor. A second church was organized in Guilford in 1781, a third in 1782 and a fourth in 1797. The second and third churches were united

in 1800. The First Baptist Church in Woodstock was organized in 1780 and the Second in 1785. Other churches in this part of the State were organized as follows: West Dummerston, 1782; Halifax, 1793; Westminster West, probably about 1782; Brookline, probably in 1785; Windsor, 1785. Aaron Leland, an apostolic preacher, came to Chester in 1786 and organized a church in 1789. He visited neighboring towns and organized churches. Four churches were set off from the parent church in Chester. Mr. Leland became a prominent man in State affairs and was Lieutenant-Governor of Vermont, 1822-24. The Windham County Association was originally organized as the Leyden Association in 1793. In 1796 it contained fourteen churches. The Vermont members were the First, Second and Fourth Guilford churches and societies in Dummerston, Halifax, Marlboro, Newfane, Putney and Somerset. Newfane appointed a missionary committee as early as 1806. The Woodstock Association was organized in 1783 and in 1791 contained thirty-one churches and 1,598 members. Aaron Leland was moderator for twenty-six years. The Barre Association, later known as the Vermont Central Association, was formed in 1807, and the Danville Association in 1809. The Association included three Vermont and two New Hampshire churches. Some Canadian churches joined later. The Danville church was organized in 1792 and the Hardwick church in 1795. In 1842 the Danville Association contained twenty-one churches and 1,127 members. Other early churches were established as follows: Fairfax, 1792; Georgia, 1793; Bolton, 1794; Waterbury, 1800. The first minister ordained in the northwestern part of the State was Elisha Andrews, at Fairfax, in 1793. The ceremony was conducted on a flat rock beside a log cabin in the wilderness.

The Richmond Association was formed probably in 1795 or 1796, and included a few Canadian churches. When the War of 1812 began relations with these churches were suspended. In 1812 the Fairfield Association was organized. In 1834 there was a division along the line of the Lamoille River. The southern portion became the Onion River Association, while the northern part retained the name of Fairfield Association. The two were united in 1844 as the Lamoille Association and included twenty-seven churches. The Vermont Baptist State Convention was organized at Brandon, October 26, 1824. Its president was Rev. Ezra Butler of Waterbury, later Governor of Vermont. Home missionaries were employed, one of them being Rev. William Arthur, father of Chester A. Arthur, the only President of the United States born in Vermont. In 1886, Rev. Alexander McGeorge was appointed State missionary and held the office until 1895. Rev. Thomas Cull held the office from 1896 to 1900 and Rev. W. A. Davison, D. D., has held it since 1900.

In 1853 the New Hampton Literary and Theological Institution was transferred from New Hampton, N. Y., to Fairfax, Vt., and flourished for a few years, several theological students being graduated, but lack of financial support crippled the school and it ceased to be a denominational institution. Other educational institutions established under Baptist auspices are the Vermont Literary and Scientific Institution at Brandon in 1833; Black River Academy at Ludlow in 1834; Leland English and Classical School, named for Rev. Aaron Leland, at Townshend in 1835; the Derby Literary and Theological Institute at Derby in 1840; Vermont Academy at Saxtons River in 1873. The last named school was closed for several years, but was reopened in 1921.

The records of the State Convention of 1920 showed seventy-one ministers in active service with Vermont churches, three in special service and thirteen ministers not in active service. The treasurer reported invested funds and cash on hand amounting to $378,346.70.

Three Baptist clergymen were elected to high offices—Ezra Butler, Governor; Aaron Leland, Lieutenant-Governor; Alvah Sabin, Congressman. Among the prominent laymen were Gov. Ryland Fletcher, Gov. Levi K. Fuller, Gov. Wm. W. Stickney, Jacob Estey, founder of the Estey Organ Works, and Lawrence Barnes, a well-known lumber dealer.

The first Free Will Baptist Church was organized at Strafford, in 1793, with nine members. Another was organized at Corinth in 1798. Twenty churches were organized between 1800 and 1810; eleven between 1810 and 1820; and sixteen between 1820 and 1830. Quarterly meetings were organized in Strafford, Wheelock, Huntington, Dover, Enosburg, Rutland and Corinth. In 1892 there were in Vermont forty-nine churches, fifty-three ministers and 2,445 members. In 1911 there were twenty-seven churches, eighteen ministers and 1,079 members.

THE METHODIST EPISCOPAL CHURCH

THE religious movement out of which grew the Methodist Episcopal Church began in England under the leadership of John Wesley in 1739. It was transferred to America before the Revolution by Philip Embury, a local preacher, and others. Societies were organized by him in Washington county, N. Y., near the Vermont border, and Methodism gradually extended into southwestern Vermont. Methodist preaching in this State was begun as early as 1788, through the Cambridge (N. Y.) circuit, Rev. Freeborn Garrettson, an efficient evangelist, being the presiding elder. Vermont towns included in New York and Massachusetts circuits before the year 1800 were Arlington, Castleton, Clarendon, Danby, Fair Haven, Pownal, Wells and Whitingham.

Methodism was introduced into eastern Vermont in 1796 at Vershire, Rev. Nicholas Snethen, afterward a Chaplain in Congress, being the preacher appointed. Mrs. Margaret Pecket, formerly a member of Mr. Wesley's household, had settled in Bradford and Mr. Snethen preached in her house in 1797. Rev. Jesse Lee, the pioneer of Methodism in New England, was the presiding elder who had charge of the work in eastern Vermont. The first pastoral appointments in western Vermont were Joseph Mitchell and Abner Wood, assigned as circuit preachers, with headquarters at Vergennes. In 1799, Lorenzo Dow, a celebrated itinerant preacher, was assigned to the Essex circuit. The number of Methodists in Vermont at the close of the year 1800 was 1,044. There were four circuits with six preachers in the eastern part of Vermont, and three circuits with five preachers in the western portion of the State.

The Troy Conference was organized in 1832, and was divided into two districts, one of which was the Middlebury district, with Rev. T. Spicer as presiding elder. It included the Vermont towns of Bridport, Castleton, Charlotte, Leicester, Middlebury, Monkton, Pittsford, Poultney and Wallingford. The other division, known as the Plattsburg district, included the Vermont towns of Burlington, Essex, Fairfield, Grand Isle, Highgate, Milton, St. Albans, Sheldon and Stowe.

The New Hampshire and Vermont Conference was organized in 1829. The Vermont territory included the Danville and the Vermont districts. The name was changed to the New Hampshire Conference in 1832. The Vermont Conference was organized in 1845, the first session being held at Rochester, Bishop Edmund Janes presiding. He presided over this Conference on six subsequent occasions, the last time being in 1873. The first Conference reported 9,335 members and sixty-two charges, or parishes. The Conference was divided into the Danville and Springfield districts.

One of the most famous of the early Methodist leaders was Elijah Hedding, who entered the ministry from Starksboro. He preached

on the Fletcher, Barre and Vershire circuits, was presiding elder several terms in New England, preached in several important Boston churches, and was elected Bishop in 1824. In 1801, Martin Ruter entered the ministry from Bradford. He was promoted rapidly and was elected Book Agent at Cincinnati, Ohio, in 1820, being the founder of the business at that place. Later he was president of Augusta College, Kentucky, and Allegheny College, Pennsylvania.

Wilbur Fisk, born in Brattleboro, August 31, 1792, entered the University of Vermont in 1812, but left college when the buildings were occupied as barracks by the United States Army. He graduated from Brown University and entered the ministry in 1818. He was presiding elder of the Vermont district from 1823 to 1826; principal of Wilbraham Academy for five years; and founder and first president of Wesleyan University. He was elected Bishop in 1836, but declined the office. Stephen Olin, born in Leicester, March 2, 1797, and a graduate of Middlebury College, was one of the famous preachers of his time. He became president of Wesleyan University in 1842. Edwin W. Parker, afterward a Bishop, entered the Vermont Conference in 1857.

In 1830 there were thirty-five pastors and the church membership had increased to more than ten thousand. Thompson's "Vermont" is authority for the statement that in 1841 there were in this State one hundred and twenty-eight traveling ministers, one hundred and twelve local preachers and 16,039 members.

The first church building erected by Methodists in this State was at Danby and was occupied as early as 1793. The first church edifice built in eastern Vermont was erected at Barre in 1801.

The first Methodist school established in this State was Newbury Seminary, founded at Newbury in 1834, with Rev. Charles Adams as principal. What is said to have been the first theological class in American Methodism was formed at Newbury Seminary in 1844 by the principal, Rev. Osman C. Baker, afterward a Bishop. This department, known as the Wesleyan Institute Association, was supported by the annual conferences of the six New England States. In 1847 the department was removed to Concord, N. H., and was known as the Concord Biblical Institute. Later it became a part of Boston University. In 1868 the school at Newbury Seminary was transferred to Montpelier and was named the Vermont Conference Seminary and Female College, its first principal being Rev. Simeon F. Chester. The student attendance during the first year was one hundred and sixty. A Methodist school established at Springfield in 1847, and named the Springfield Wesleyan Seminary, after twenty years of existence was united with the Vermont Conference Seminary at Montpelier. Rev. John W. Hatch, D. D., is now (1921) the principal.

HORACE M. FARNHAM

Born in Williamstown, Vt., May 14, 1868. He attended the public schools of Williamstown and Montpelier Seminary and taught ten years in the district schools of Williamstown, Washington and East Barre and one year in Illinois. For eight years he was Superintendent of Schools in Williamstown. In 1899 he moved to East Montpelier, where he was engaged in farming and dealing in Western draft horses until 1911, since which time he has lived in Montpelier, where he has devoted his time more fully to buying and selling horses and cattle. Mr. Farnham is a Republican. He represented the city of Montpelier in 1915-1916, serving on the Ways and Means and the Railroad committees, and was president of the Farmers' Club. He was State Senator from Washington county in 1921-22, serving on the Committee on Highways and Bridges, Fish and Game Committee, and was chairman of the Municipal Corporations Committee. While living in East Montpelier he was an active member of the East Montpelier Grange, serving as its first master, was instrumental in organizing the Winooski Valley Pomona Grange, and was its master for several years. Mr. Farnham is a member of the Board of Trustees of Montpelier Seminary and a member of several fraternal organizations and clubs. He is a member of Trinity Methodist Episcopal Church, being for many years one of its trustees. He married Lenora Rachel Stevens of East Montpelier, daughter of Thomas Byrd and Jane (Bliss) Stevens, January 22, 1896. They have two sons, Stanley Horace and Hector Stevens, both of whom are associated with their father in business.

H. M. Farnham

Troy Conference Academy at Poultney was chartered in 1834 and was opened for instruction in 1836. One of the principals of the academy was Rev. Jesse T. Peck, afterward elected a Bishop.

The official journal of the Vermont Conference held in 1920 showed ninety-two ministers, one hundred and thirteen pastoral charges, 11,943 lay members and 881 probationers. The value of church property was estimated at $236,700. The Board of Conference Trustees reported $19,821 in permanent funds. The Preachers' Aid Society held a fund of $49,696.51. The Conference is divided into the St. Albans and the St. Johnsbury districts. The Burlington district, which includes that part of the State west of the Green Mountains, extending southward from and including Winooski, is a part of the Troy (N. Y.) Conference.

Conference sessions have been held as follows: June 18, 1845, Rochester; June 10, 1846, Springfield; June 9, 1847, Irasburg; July 5, 1848, Barre; June 20, 1849, Peacham; June 12, 1850, Bradford; June 18, 1851, Woodstock; June 27, 1852, Northfield; June 2, 1853, St. Johnsbury Center; June 1, 1854, Putney; May 23, 1853, Plainfield; June 27, 1856, Newbury; May 6, 1857, Brattleboro; May 13, 1858, Montpelier; May 4, 1859, Barton; April 19, 1860, Springfield; April 17, 1861, Barre; April 16, 1862, Northfield; April 15, 1863, St. Albans; April 13, 1864, St. Johnsbury; April 17, 1867, Newbury; April 9, 1868, Swanton; April 15, 1869, Waterbury; April 21, 1870, Springfield; April 20, 1871, Northfield; April 8, 1872, Chelsea; April 23, 1873, Richford; April 22, 1874, Danville; April 28, 1875, Bellows Falls; April 19, 1876, St. Johnsbury; April 26, 1877, Barre; May 1, 1878, Woodstock; May 1, 1879, Swanton; April 14, 1880, Barton Landing; April 20, 1881, Bradford; April 26, 1882, Ludlow; April 25, 1883, St. Albans; April 16, 1884, Montpelier; April 30, 1885, Bellows Falls; April 29, 1886, Chelsea; April 21, 1887, St. Johnsbury; April 11, 1888, West Randolph; April 18, 1889, Morrisville; April 17, 1890, Brattleboro; April 23, 1891, Northfield; April 13, 1892, Montpelier; April 19, 1893, Barton; April 18, 1894, Bradford; April 10, 1895, Waterbury; April 8, 1896, Barre; April 22, 1897, Barre; April 21, 1898, Springfield; April 19, 1899, Newport; April 11, 1900, Bellows Falls; April 17, 1901, Lyndonville; April 9, 1902, St. Albans; April 9, 1903, Northfield; March 30, 1904, Montpelier; April 19, 1905, Enosburg Falls; April 18, 1906, Morrisville; April 17, 1907, St. Johnsbury; April 15, 1908, Barre; April 13, 1909, Hardwick; April 13, 1910, Island Pond; April 12, 1911, Waterbury; April 10, 1912, Newport; April 9, 1913, Richford; April 22, 1914, Hardwick; April 21, 1915, Brattleboro; March 29, 1916, Montpelier; April 18, 1917, Newport; April 24, 1918, St. Johnsbury; April 2, 1919, St. Albans; April 21, 1920, *Springfield; April 27, 1921, Barre.

*The author is indebted to Rev. L. O. Sherburne for many of the facts in the above article.

THE UNITARIAN CHURCH

EARLY in the nineteenth century an element of the Congregational Church, known sometimes as the "liberal party," broke away from the Calvinistic portion and formed the Unitarian Church. Organized Unitarianism in Vermont began in 1810, when there was a division in the Congregational Church at Burlington. A large church edifice was built in 1816, the first pastor being Rev. Samuel Clark. For many years the pastor of this church was Rev. L. G. Ware, a scholarly and cultured man, greatly beloved by the people irrespective of creed. The Unitarian Church in Brattleboro was organized April 8, 1831, the first pastor being Rev. Addison Brown. The Windsor church was organized in 1836. In 1864 the Church of the Messiah was organized at Montpelier by Rev. Charles A. Allen. He was succeeded by Rev. J. Edward Wright, who ministered to this church for forty years. He was one of the prominent clergymen of the denomination in New England, a man who stood for all the fine and noble things of life. There have been Unitarian churches at Middlesex, Stowe and Warren.

THE UNIVERSALIST CHURCH IN VERMONT

By Rev. George F. Fortier

UNIVERSALISM as a distinct sect was established in America on September 30, 1770, when John Murray, an English preacher, delivered his first sermon at Good Luck, N. J., in a church which had been built by one Thomas Potter in anticipation of some day finding a preacher who should stand upon the faith in which Potter believed.

The first organized Universalist Church was established at Gloucester, Mass., in 1774.

Universalism in Vermont developed in almost exact coincidence with the history of the State, the first known preaching of Universalism being in the year 1777 in the northern portion of the State. Universalism seems to have developed in the State from four well-defined sources. First, in northern Vermont there appears to have arisen a spontaneous outburst of faith in what was termed "the doctrine of God's universal love," which resulted in the splitting of various "town churches" into adherents and opponents of this new doctrine and the dividing up of the preaching rights of the local churches according to the proportionate strength of the contending parties. Secondly, into the southern section of the State, probably first at Cavendish, there came settlers from Massachusetts who brought with them the new doctrine which Murray was preaching at Gloucester. Thirdly, into the Champlain valley, first appearing at Shoreham, there came through new arrivals among the settlers a following of Rellyism, brought direct from England. Fourthly, from the town of Richmond, N. H., there came into Vermont a young country lad, Hosea Ballou, who established himself at Barnard, Vt., and gathered around himself not only a congregation, but the first theological school of the new faith, in the disciples whom he taught in his own study. This latter movement, while the latest of the four, resulted in the first real organization of the new faith in Vermont and the Universalist parish at Barnard was the first Universalist Church to be firmly established in Vermont, in 1794.

The Universalist denomination was without organization in the earlier years of its existence, each preacher and each church acting independently. In 1804 the Northern Association of Universalists was organized by the ministers of the State and immediately took over the ecclesiastical control of the State. Gradually four other associations were organized, the Green Mountain in 1829, the Champlain in 1830, the Windham and Bennington in 1834, and the Central in 1848. These organizations, however, yielded their ecclesiastical authority in 1833, when the Universalist Convention of Vermont and Province

of Quebec was organized, all of the associations with the exception of the Champlain continuing to exist however.

The Universalist Convention of Vermont and Province of Quebec has been the business and ecclesiastical organization of the denomination since 1833. It is a representative body composed of the ordained clergymen in fellowship and delegates from each parish. It is in authority over the parishes and in its turn yields to the authority of the Universalist General Convention.

The history of the Universalist denomination in Vermont has been a proud one. It has founded, in the earlier days, schools of the academy class at Glover, at South Woodstock and at West Brattleboro. In the changing of school systems all of these have been discontinued. It established Goddard Seminary in 1863 at Barre. Norwich University was established at Norwich by Captain Alden Partridge under the patronage of the Universalist denomination. The denomination in Vermont was also prominent in the founding of Tufts College and the original plan was to establish the college at Brattleboro. The first Universalist newspaper, the *Christian Repository,* was established by Rev. Eli Ballou at Montpelier in 1831 and continued until 1870, when it was merged with *The Universalist* and published at Boston. At the Perkins Liberal Green Mountain Institute at South Woodstock there gathered a notable company of denominational writers headed by Rev. John S. Lee, D. D., and by Caroline Sawyer, which did valiant work in the controversial period.

As a producer of clergymen of the faith, the denomination in Vermont has ever been very prolific. Rev. Hosea Ballou wrote at Barnard his Treatise on the Atonement which established the theological position of the denomination. Rev. Eli Ballou at Montpelier was for many years the literary authority of the denomination. The famous Skinner family of Cavendish for generation after generation sent able men into the ministry of the church. When Tufts College was established practically the entire faculty of the theological school was taken from men who had been trained for their work in Vermont.

As a leader of reforms, the denomination has always taken a foremost place. At its first convention the denomination espoused the temperance cause and as Vermont was the first to declare in favor of the abolition of slavery, so the Vermont Universalist Convention was the first in the denomination to declare for this reform. It early championed the cause of woman suffrage and was the first to ordain women to the Christian ministry.

The Universalist denomination in 1921 had fifty-four church organizations and thirty-eight settled clergymen. It had permanent and trust funds amounting to $45,000. The Universalist Convention of Vermont and the Province of Quebec was incorporated under the laws of Vermont in 1888. Its present officers (1921) are:

George C. Felch, St. Johnsbury, president; F. R. Vaughan, Brattleboro, vice-president; George F. Fortier, Morrisville, secretary and superintendent; R. L. Richmond, Rutland, treasurer; S. S. Watson, St. Albans, S. C. Greene, St. Albans, and E. E. Paul, Wells, Trustees.

OTHER DENOMINATIONS

THE first settlement of Jews in Vermont was made in 1873 and a Hebrew congregation was established in Burlington, May 25, 1875. Burlington is the center of Hebrew activities in the State.

The first Seventh Day Adventist churches in Vermont were organized at Sutton and Wolcott about 1845. The Vermont Conference held its first session at Wolcott in October, 1862.

Several churches of the Advent Christian denomination have been established in Vermont. In 1903 there were twenty-one churches in the State, with a membership of about one thousand.

A denomination known as the Christian Church organized its first Vermont parish at Lyndon in 1801. In 1842 there were between thirty and forty of these churches in this State. In 1836 the Vermont Conference of the Christian Connection and the Presbytery of Christian Brethren united as the Vermont Christian Conference. In 1840 the Vermont Eastern and Western Conferences were organized. In 1893 the few churches of the denomination were united in one conference. In 1903 there were six churches of the denomination in the State. The number has been reduced since that time.

There are a few Presbyterian churches in Vermont, some of them founded by early Scotch emigrants who settled in Caledonia county. In the slate district of Rutland county are Welsh Presbyterian and Welsh Congregational churches. Two or three Swedish Lutheran churches have been established. There are about twelve Christian Science congregations in Vermont (1921). There are some members of the Spiritualist faith in the State. In the early history of Vermont there were several Quaker congregations in Rutland and Addison counties and some members of that faith in the southern part of Chittenden county. The Salvation Army is organized in some of the cities of the State.

Joseph Smith, the founder of the Mormon Church, was born in Sharon, and a monument thirty-eight and a half feet high has been erected to mark his birthplace. At the time it was erected it was said to be the largest polished granite monolith in America. Brigham Young, the Mormon leader, was born in Whitingham, Vt.

THE FIRST SUNDAY SCHOOLS

THE first Sunday School Convention in New England was held at Greensboro, June 25, 1817, in Squire Ashbel Hale's barn. Nearly all the clergymen in that part of the State were present, some driving nearly fifty miles to attend the gathering. The hundredth anniversary of this convention was held at Greensboro and six general secretaries of the New England State Sunday School Associations participated. Probably the beginning of Sunday Schools in Vermont was made by Deacon Ashbel Washburn of Greensboro in 1808. He taught his own family on Sunday evenings and permission being granted to other children of the neighborhood, the class grew until it was necessary to hold it in the school house. In 1812, Rev. Samuel Goddard organized a Sunday School in his church at Concord, Vt. Later he established a training class for Sunday School teachers and this developed into what has been called the first normal school in the United States, having been enlarged to include the training of public school teachers.

EDUCATION*

ONE of the first requirements of the Vermont pioneers, after lands had been cleared and shelters had been constructed, was the common school. It is known that a lot was sequestered for school purposes in Guilford as early as 1761, and Hiland Hall is authority for the statement that in 1765 schools had been established in Bennington. In 1763 Bennington had voted money for three schools. In February, 1773, Chester voted to build a schoolhouse 22 by 18 feet in size and to raise thirteen pounds in York currency for that purpose. Hartford, in 1775, elected a committee to care for and rent school lands. In 1778 Pomfret voted to raise eight pounds for school purposes, the tax to be paid in grain, the rate per bushel being, wheat, six shillings; rye, four shillings; Indian corn, three shillings. Clarendon and Wells were divided into school districts in 1779. Vermont's first Constitution, adopted in 1777, declared that "a school or schools shall be established in each town by the Legislature for the convenient instruction of youths," and further asserted that "one grammar school in each county and one university in this State ought to be established by direction of the General Assembly."

The first general school law was passed by the Legislature in 1782. Provision was made for the election of school trustees, raising money and dividing towns into districts. Judges of County Courts were given power to appoint trustees of county schools. These provisions, however, were permissive, rather than mandatory.

The town of Shaftsbury, in 1787, voted that none of the public money should be used for the maintenance of a school taught by a woman, and that no school money could be drawn for a pupil under the age of four years.

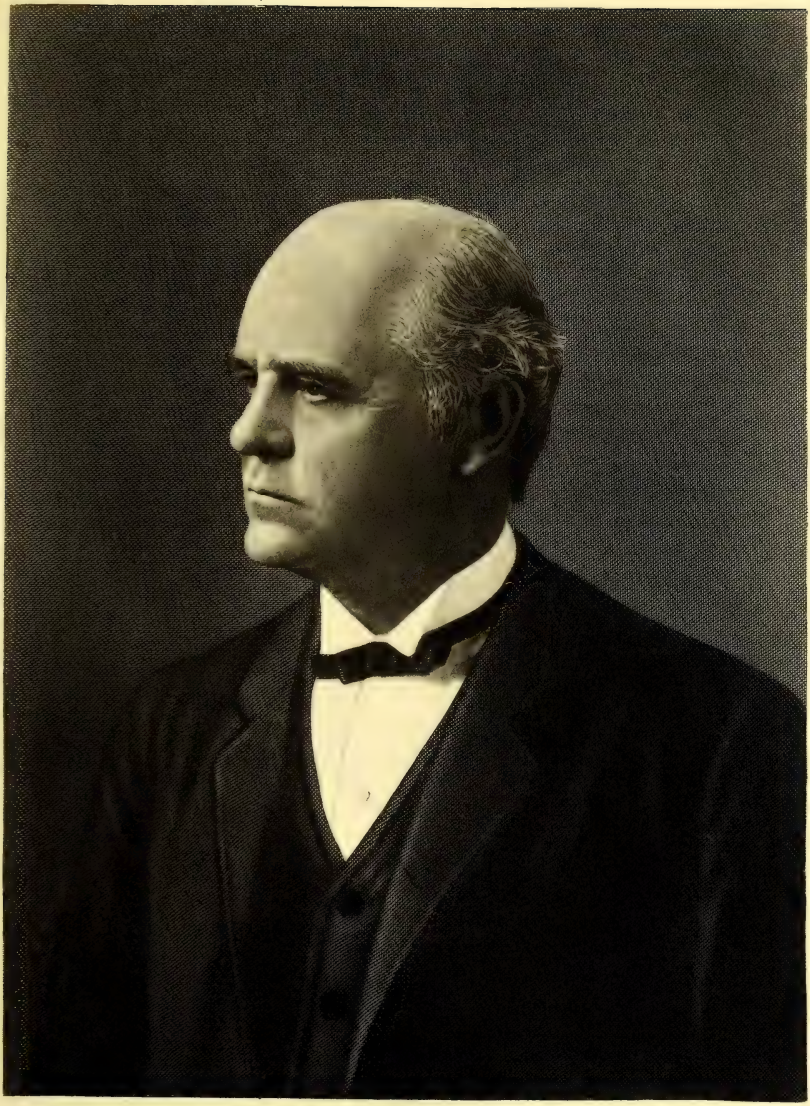
Vermont's first secondary school was Clio Hall, at Bennington, incorporated November 3, 1780.

Educational conventions were held in Vermont as early as the winter of 1830-31, and a State Teachers' Convention was held at Montpelier in 1836. In 1845 the Vermont Society for the Improvement of the Common School was organized, and in the same year the office of State Superintendent of Schools was created, Horace Eaton being the first incumbent. Teachers' institutes were held first in 1846. About this time the *School Journal and Vermont Agriculturist* was established. In 1850 a State Teachers' Association was formed.

*Considerable material dealing with the subject of this and other special chapters has been embodied in the narrative portion of this History. For this reason the special topics in some instances are not treated as fully as they would be if various phases had not been considered elsewhere.

HENRY AUGUSTUS WILLARD

Born in Westminster, Vt., May 14, 1822, the son of Joseph and Susan Dorr (Clapp) Willard. He attended school at the Walpole (N. H.) Academy. At an early age he secured employment in a store at Bellows Falls. Later he worked in a Brattleboro hotel, going from there to Troy, N. Y., where he secured a position on a Hudson River steamer, being advanced to the position of steward. In this position he was entrusted by patrons with large sums of money for deposit in New York banks. His faithfulness as steward brought him the offer of the position of manager of the City Hotel at Washington, D. C., which he accepted in October, 1847. A little later he purchased the property and changed the name to Willard Hotel. This was a profitable investment and in a few years it became the leading hotel at the national capital. The most famous Americans and many distinguished guests from foreign lands were entertained at Willard's Hotel, and Mr. Willard became one of the most famous hotel men in America. For several years the hotel was leased and in 1892 Mr. Willard sold his interest in the property. He built a large house in Washington in which he resided for many years. He was long recognized as one of the most prominent residents of Washington. Mr. Willard was one of the founders of the Columbia Fire Insurance Company and was the first president of the National Savings Bank of Washington and for many years was vice-president of the National Metropolitan Bank. He was a director of the American Security and Trust Company, one of the founders and vice-president of the Garfield Memorial Hospital, was a member of the Washington Monument Society and an active member of the Vermont Association of the District of Columbia. In 1855 Mr. Willard married Sarah Bradley Kellogg of Westminster, Vt., a great-granddaughter of Stephen R. Bradley. A son, Henry K. Willard, was born to them. Mr. Willard died December 4, 1909.



H. C. Williams

A State Board of Education was authorized in 1856, the first members being Calvin Pease, Dorr Bradley and T. P. Redfield. J. S. Adams was elected secretary and was the executive officer of the board. He held office for eleven years, and during that period he did a great work for education in Vermont. Charles G. Burnham held the office of State Superintendent of Education during the years 1850-51. The Legislature then refused to fill the office and for five years there was no State Superintendent. The Secretary of the Board of Education continued to perform his duties, and when Mr. Adams retired he was succeeded by Andrew E. Rankin, who held office from 1867 to 1870. John H. French was secretary from 1870 to 1874. The office of State Superintendent was revived in 1874, and Edward Conant of Randolph was elected, holding the position from 1874 to 1880. He was succeeded by Justus Dartt of Weathersfield, who held office during the years 1880-88. Other State Superintendents have been Edwin F. Palmer of Waterbury, 1888-92; Mason S. Stone of Montpelier, 1892-1900; Walter E. Ranger, 1900-1905; Mason S. Stone, 1905-1916. The Legislature of 1915 created the office of Commissioner of Education and Milo B. Hillegas of New York was chosen, holding office until 1920, when he was succeeded by Clarence H. Dempsey.

It is recorded that Jacob Eddy, Town Clerk of Danby, from 1785 to 1788, "taught a select school for the purpose of training young men for the vocation of teaching." Mrs. Emma Willard, deservedly famous as the pioneer in the movement for the higher education for women, in 1814 opened a school for girls at Middlebury. In a letter written about this time she said that her proximity to Middlebury College made her feel bitterly the disparity in educational facilities between the sexes.

The training school for teachers established at Concord, Vt., by Rev. Samuel R. Hall in March, 1823, has sometimes been styled the first normal school in America, but Jacob Eddy's select school, opened in Danby, was nearly forty years older. Mr. Hall's school was incorporated as the Concord Academy, and his "Lectures on Schoolkeeping" were published in 1829 and were widely distributed in the New England and Central States. Young pupils were admitted to the academy and were organized as a model school. After conducting this school for seven years Mr. Hall left the State. He returned to Vermont about 1840 and became principal of Craftsbury Academy, where he established a three-year training course for teachers.

A normal school and teachers' institute was founded in Brattleboro in 1847 and continued for about two years. Later James K. Colby established a teacher training department in St. Johnsbury Academy.

The Johnson Normal School was incorporated in December, 1866; the Randolph Normal School in February, 1867; and the Castleton Normal School in August, 1867.

Edward Conant, principal of the Orange County Grammar School became the first principal of the Randolph Normal School, resigning in 1874 to accept the position of State Superintendent of Education, which he held six years. For the next four years he was principal of the Johnson Normal School. In 1884 he returned to the Randolph school. As principal of two normal schools, head of the State educational systems and author of a textbook in Vermont, he was one of the notable figures in the educational life of Vermont.

A. E. Leavenworth, a gallant Vermont soldier, was long prominent as the principal of the Castleton school. S. H. Pearl was the first principal of the Johnson school, and he is said to have been a man of mark.

The Randolph Normal School was discontinued in 1910, when the State Agricultural School was established in its place. The Legislature of 1919 refused to continue the schools at Johnson and Castleton and they were closed in 1920. In 1921 teacher training courses were established at the University of Vermont, at Lyndon and Castleton.

Lyndon Institute, chartered in 1867 and opened at Lyndon Center in 1871, was taken under the patronage of Theodore N. Vail, famous as head of the great system of the American Telephone and Telegraph Company, in 1911. He called O. D. Mathewson of Barre, one of the most successful educators of the State, to become its principal. He also established the Vail School of Agriculture at Lyndon, and after spending a quarter of a million dollars on it in 1914 he gave it, with a portion of his estate, to Vermont for a State School of Agriculture. Later the school was discontinued.

The report of the State Board of Education for the year 1919-20 shows that there were at that time 2,349 public schools, employing 8,120 elementary teachers and attended by 61,785 pupils. There were in the State eight junior high schools, forty-seven junior-senior high schools and eighty-four high schools. Twenty-four teacher training classes were in operation in selected schools.

The State Board of Education (1921) consists of Luther B. Johnson of Randolph, chairman, Arthur W. Hewitt of Plainfield, Marvelle C. Webber of Rutland, Fred A. Howland of Montpelier, and Mrs. Dorothy Canfield Fisher of Arlington. Clarence H. Dempsey is the Commissioner of Education.

Sketches of the institutions of higher education in the State are given herewith:

THE UNIVERSITY OF VERMONT

(This sketch is based largely upon an article written several years ago by the late Prof. J. E. Goodrich.)

The University of Vermont was chartered in 1791, the year in which Vermont became a State of the American Union, and, by vote of the Legislature it was established at Burlington. The man most influential in founding this institution was Ira Allen, a brother of Ethan Allen, and one of the principal founders of the State.

Vermont's first Constitution declared that "one University in the State ought to be established by direction of the General Assembly." This is said to have been the first declaration of any American State in favor of a single "State University." This provision did not appear in the revised Constitution of 1786; and it is supposed that the influence of Dartmouth College was a factor in its omission.

There was considerable delay in establishing the University after it was chartered, due largely to the absence of General Allen in Europe for several years. Its site was chosen on the hill crest overlooking Burlington and sloping toward Lake Champlain. The ten-mile wide expanse of water backed by the Adirondack Mountain masses and the long range of the Green Mountains to the east, with Mount Mansfield and Camel's Hump, highest and third highest, respectively, of its peaks, united to make it one of the most beautiful college sites in America. The fathers chose wisely in selecting this noble location.

In 1800 the University was organized, and instruction begun by President Daniel C. Sanders (Harvard, 1788), who, for a time alone, and until 1809, with a single tutor constituted the faculty. Four professors were added in 1809-1811; of mathematics and natural philosophy, of anatomy and surgery, of Latin and Greek, and of jurisprudence. In 1801-1802, at a cost of thirty-five thousand dollars, a four-story brick edifice was erected, 160 by 75 and 45 feet in the wings, with forty-six rooms for students and administrative uses. The library was begun in 1809, and astronomical and philosophical apparatus procured. In 1804 four young men received the bachelor's degree; in 1807 forty-seven students were enrolled; and in 1808 sixty-one "paying" students are reported, the "pay" being twelve dollars a year. The president, whose salary was six hundred dollars, increased by a stipend of four hundred dollars paid by the first parish of Burlington, found time to teach, preach, and write occasional discourses including an excellent "History of the Indian Wars."

In 1814 the United States Government seized the college building for use as barracks for the soldiers stationed at Burlington. President Sanders resigned and college exercises were suspended until peace was declared.

When the war was ended the Government placed the college edifice in complete repair, and college exercises were revived. A new president was chosen, Rev. Samuel Austin, D. D. (Yale, 1783), local Congregational pastor, as well as a faculty of three men. He was a scholarly theologian, having collected and issued the "Works of Jonathan Edwards."

The institution rallied slowly, lack of funds hindered its development, and after six years' service President Austin retired and was succeeded by Rev. Daniel Haskell (Yale, 1802), likewise local Congregational pastor. Had it not been for the enthusiasm of Arthur L. Porter and the student body, it is probable that the college doors would have been closed; but through their exertions the number of students entering increased from twenty-two to seventy, and the outlook again was promising, until on May 27, 1824, the college building and most of its contents were burned. This disaster rendered President Haskell temporarily insane. However, Professor Porter and his student associates once again came to the rescue, additional funds were raised and a new building erected, the corner stone being laid by General Lafayette, then on a journey through New England. Rev. Willard Preston (Brown, 1806), another local Congregational pastor, was chosen president. He held office for one year and was succeeded by Rev. James Marsh (Dartmouth, 1817), a man of scholarly attainments who soon developed into a broad and progressive educator. The curriculum was reorganized and classification was made according to studies and attainments. Something corresponding to the elective system was inaugurated. College government was made more liberal and less formal. These educational reforms were described in a pamphlet published in 1829, which was received with such favor that a larger edition was printed two years later. This document has been called a landmark in the development of the American college. The Department of Philosophy was a notable feature of President Marsh's educational system. He was probably the first educator in America to include in a senior course a series of lectures and discussions on the Philosophy of the Fine Arts, this course having been given as early as 1831. The late Professor J. E. Goodrich said of President Marsh that "he was the first in the United States to oppose the prevalent utilitarian and materialistic systems of thought, and teach instead a philosophy which bases morality on something higher than personal or general advantage. He made philosophy religious and theology philosophical, and did away with oppositions and jealousies between science and religion." President Marsh did not enjoy the executive duties of his position and found invaluable the assistance of Professor George W. Benedict (Williams, 1818), of the chair of mathematics. He was a man of affairs, of sagacity and energy, progenitor of the Benedicts who for seventy-five years were connected with the Uni-

versity. From his plans was erected the old college dome, long a landmark for all the countryside. President Marsh resigned the presidency in 1833 and for the ensuing nine years gave his whole time to teaching philosophy, his favorite subject. He had introduced Coleridge to the American public, having written a "Preliminary Essay" upon his philosophy and edited his "Aids to Reflection" in 1829.

President Marsh was succeeded by Rev. John Wheeler (Dartmouth, 1816). He organized University finances, secured generous subscriptions, added to the college property and secured a valuable library and philosophical apparatus. Upon the death of Doctor Marsh, who, after retirement from the presidency, had continued to teach Philosophy, Joseph Torrey, Professor of Greek and Latin since 1827, succeeded to the vacant chair. He also was a great scholar and well known both at home and abroad for his translation of Neander's "Church History." Thanks to the labor of these two men the University early enjoyed high rank among American colleges in subjects pertaining to Philosophy. To Professor Torrey was assigned the task of purchasing a library and he was sent abroad for this purpose. He was so successful that it has been said that at that time no other American college, with the possible exception of Harvard, had as good a working library.

The great panic of 1837 seriously affected the University as it did most institutions of higher learning. Subscriptions were uncollected, rentals lapsed, students' bills were in arrears, professorial salaries were not paid, and the University library was attached in a legal suit. Heroic efforts and sacrifices enabled the University to weather the storm without impairing its credit or diminishing its patrimony; indeed more land was bought and additional courses of instruction offered.

President Wheeler resigned in 1848, but retained his connection with the corporation. He was succeeded by Rev. Worthington Smith of St. Albans (Williams, 1816), a well-trained, dignified and affable gentleman, particularly successful in raising funds for the University. He resigned in 1855, being succeeded by Calvin Pease (U. V. M., 1838), who acceptably filled the position for six years and until the outbreak of the Civil War. During much of the war period Professor Joseph Torrey (Dartmouth, 1816) served as acting president.

The Civil War called many to the colors, nearly one-half the entire student body having entered the service by 1862. Some returned and some fell in their country's service. Following the war small numbers and inadequate funds greatly hampered the conduct of the institution.

However, a most important piece of legislation profoundly affecting the University was in the making. The Federal Congress, largely as a result of the persistency of Senator (then Representative) Justin S. Morrill of Vermont (see Vol. III, p. 545), enacted in 1862 a law es-

tablishing and endowing with funds a college in each State "for the benefit of agriculture and the mechanic arts." In view of this legislation the General Assembly in three successive sessions attempted to adjust Vermont's educational problems, first by organic union of all her institutions of higher learning, secondly, by chartering an independent Agricultural College, and, lastly and finally, by incorporating the State Agricultural College with the University of Vermont (November 9, 1865) as the University of Vermont and State Agricultural College. A new head to this reorganized institution was secured in the person of James B. Angell, thirty-seven years of age, graduate and former professor of Brown University and then editor of the *Providence* (R. I.) *Journal*. His task was almost that of establishing a new institution, but he entered upon it with earnestness and zeal, visited all parts of the State, made new friends, raised money, attracted students, and conciliated alumni who deplored the recent affiliation. He was so successful that, a few years later, he was offered the presidency of the University of Michigan. The first offer was refused, but a second was accepted in 1871. The vacancy thus created was filled by the election of Matthew H. Buckham (U. V. M., 1851), for fourteen years Professor of Greek and, during a part of this time, of Rhetoric and English Literature. President Buckham's long and notable occupancy of the presidency (1871-1910) is the greatest of all events in its history. Coincidently women were admitted to all courses in the academic department.

The principal buildings, stated in the order of their erection, are: Main College Building, reconstructed in 1881-82 through the generosity of the late John P. Howard.

The Billings Library, the gift of Frederick Billings (U. V. M., 1844), built in 1885. Its exterior is of brown sandstone, its architecture Romanesque, its rich interior of oak and Georgia pine. H. H. Richardson, one of America's leading architects of the last generation, whose major work, perhaps, was Trinity Church, Boston, looked upon the Billings Library as "one of his best." It contains more than one hundred thousand volumes and thirty-eight thousand pamphlets, including several notable special collections.

The Engineering Buildings (1891), including the usual laboratories, classrooms, machine shops, foundries, testing rooms, etc., pertaining to modern instruction in civil, mechanical, and electrical engineering.

The Williams Science Hall (1896), the gift of Dr. and Mrs. E. H. Williams of Philadelphia, the former being the son of the Hon. Norman Williams (U. V. M., 1810), a four-story fireproof brick and granite building.

The Gymnasium (1901), with drillhall and baseball cage annexed (1915), enclosing more than a half acre of floor space.

The Medical Building (1905)—replacing an edifice remodeled and presented to the University by the late Hon. John P. Howard and burned in 1904—is a four-story brick structure housing the multifarious activities of the College of Medicine, laboratories, classrooms, amphitheaters, etc. The University administrative offices are in this building.

Morrill Hall (1907) is the home of the College of Agriculture. This is the only building on the University campus erected by State appropriation.

Since President Buckham's death two men have been seated in the presidential chair, Dr. Guy P. Benton, 1911-1919, and the present incumbent, Guy W. Bailey, 1919-.

Doctor Benton was successively president of Upper Iowa University, 1899-1902, Miami (Ohio) University, 1902-1911, and the University of Vermont. He was long active as an official of the important National Association of State Universities. During most of the last two years of his University connection Doctor Benton was on leave of absence for war work in Europe. He was a member of the Committee on Education affiliated with the Council of National Defense, was the first of American college presidents to go to Europe under the auspices of the National War Work Council of the Y. M. C. A., organized Y. M. C. A. work in Paris and in the advanced sectors, locating warehouses, amusement centers, and installing secretaries, and, after the armistice, became Educational Director of the American Army of Occupation at Coblenz. He received the Distinguished Service medal for his work during the war.

President Bailey, for eight years Secretary of State of Vermont and for two years comptroller of the University, became acting president on President Benton's resignation, and president at Commencement, 1920. He was graduated in 1900, admitted to the bar in 1904, Secretary of State, 1908-1917, trustee of the University since 1914, comptroller since 1917, delegate to the Republican National Convention 1916. His thorough knowledge of the State, his wide acquaintance with the people and his proved executive ability should be of inestimable value to the institution.

The 1921 catalogue lists—persons as connected with the administrative, instructional, research and extension staffs of the University, including—five deans, forty-nine professors, four associate professors, nineteen assistant professors, sixty-two instructors and lecturers. The Experiment Station staff numbers fourteen and that of the Agricultural Extension Service thirty-three. The several faculties comprise, Arts and Sciences, sixty; Medicine, forty-four; Engineering, nine; Agriculture (exclusive of Experiment Station and Extension Service), sixteen, inclusive sixty-three.

The student body numbers 936, 741 of them, or 79 percent, being Vermonters, listed: Arts and Sciences 515, Medicine 103, Engineering 179, Agriculture 139. The registration includes 622 men and 314 women, the proportion being approximately two to one. The Summer School registration of 1921 was 620, and the Winter Short Course registration of 1921 was 60. The total, excluding duplicates, was 1,616. From 1804 to 1920, 5,506 degrees in course have been given, 2,912 in the academic colleges and 2,594 in the College of Medicine. The academic degrees were given to 2,428 men and 484 women. For many years approximately 80 percent of the student body has been Vermonters. Furthermore, of recent years more than one-half of the total number of students going to college from Vermont, in all colleges both within and without State borders, have been registered at the University.

The University as founded in 1791 contemplated only the old type classical college. Early in the last century (1822) medical instruction was started in a Medical College which, with a lapse of seventeen years (1836-1853) during which time the enterprise was abandoned, maintained a quasi-connection with the University, being in essence a private venture. Some ten or more years ago it became an integral part of the University. Instruction was held until 1884 in the building, frequently altered and enlarged, at the head of Main Street; since 1884 on the present site at the north end of the campus.

In 1865, by virtue of the Federal and State enactment, to the old-time University was added the so-called State Agricultural College. During the latter portion of President Buckham's incumbency differentiation began to be made which in President Benton's day became definite. The University cosmos now comprises:

1. The College of Arts and Sciences, including classical, literary, scientific, chemical and commerce and economics departments.

2. The College of Medicine, now and for several years rated as an "A" grade institution by the American Medical Association, requiring for entrance two years of premedical academic work.

3. The College of Engineering, including Civil Engineering, Mechanical and Electrical Engineering departments.

4. The College of Agriculture, including the Agricultural and Home Economics departments, the Agricultural Experiment Station and the Agricultural Extension Service.

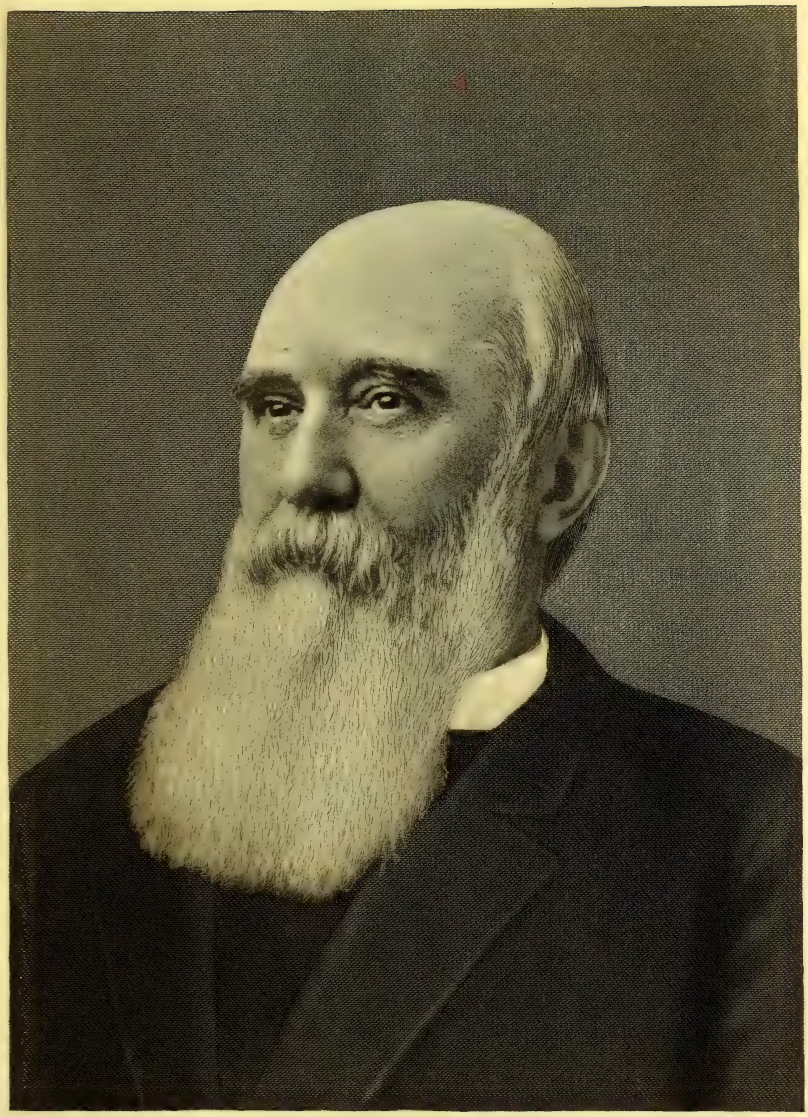
The University functioned effectively in the late war. There were nine hundred and forty-three stars on the service flag and nineteen of them are golden. Sixty-eight percent of the men were commissioned officers, and twenty-nine were cited for bravery. During the war the University plant was in a large measure turned over to the Federal Government. Several temporary wooden buildings were erected, barracks, administration and recreation buildings, drill hall,

FRANKLIN H. ORVIS

GEORGE ORVIS

Franklin H. Orvis, the son of Levi Church and Electra Sophia (Purdy) Orvis, was born in Manchester, July 12, 1825. As a young man Mr. Orvis was engaged in the wholesale silk business in New York City, but on the death of his father he returned to Manchester to manage the family property and opened the Equinox House as a hotel in 1853. From that time until his death, November 30, 1900, he remained its proprietor. Mr. Orvis was also known as a pioneer hotel man in Florida, owning the Putnam House at Palatka and the Windsor Hotel at Jacksonville in the days when Florida was first known as a health and pleasure resort. Mr. Orvis was a Senator from Bennington county in the Legislatures of 1869 and 1892.

In 1909 George, the fifth son of Franklin H. and Sarah Maria (Whitin) Orvis, acquired the Equinox House from the Orvis estate and immediately began extensive improvements upon the property. George Orvis also had for a time the Windsor Hotel in Jacksonville, Fla., and the Osborne, the Lorraine and No. 11, East 45th St., in New York City but his real interests, like those of his father, were in the Equinox and Manchester, as well as Vermont, his native State.



Franklin H. Davis.

radio laboratory, and dining hall. Dormitories and fraternity houses were utilized for barracks. Four successive Signal Corps registering 730 men and two mechanics schools registering 1,034 men were held, and 471 men were trained in the Student Army Training Camp, a total of 2,235 men trained for military service.

The University of Vermont has had and has an excellent teaching plant, an admirable teaching force, widely diversified and wisely shaped curricula,—but so have scores of its sister colleges the land over. But few of them possess as fine an outlook. "The delicate quality of June in the amphitheater where the college rests, and the more than royal glories of October outlast the Greek and the Calculus."

"The mere panorama outspread here before the boy's gaze is an educating influence. He must have a dull heart and an irresponsive brain if his four years' residence in constant view of one of the fairest of earth's landscapes, of river, lake and valley, and the pomps of sunrise and sunset over distant mountain ranges, do not refine his thoughts, elevate his ambitions, kindle his imagination, and fill his memory with pictures destined to be 'a joy forever,' his mind with high aims that 'wake to perish never'."

MIDDLEBURY COLLEGE

(Written by Prof. Frank W. Cady)

Middlebury College was chartered by act of Legislature on November 1, 1800. The chief promoters of the plan for a college were the following residents of Middlebury and vicinity: Gamaliel Painter, Seth Storrs, Daniel Chipman, Samuel Miller, Jedediah Buckingham and Darius Matthews. For some years they had felt their isolation from the institutions of learning to the south. It was a long trip in those days from Vermont to any of the New England colleges except Dartmouth. Nor were they forgetful of the beneficent influence which a college would have upon the community. They had seen the attempt to found a university at Burlington apparently abandoned and the way seemed open for launching their own project. There was much preliminary discussion; counsel was taken of the wisest men they knew; President Dwight of Yale himself made two visits to Middlebury to assist in formulating the plans. But it was not until the details were fully matured that they were presented to the Legislature.

The founders of the college had as their model the type of institution then characteristic of New England, an institution which, by training in the humanities and such natural science as then was known, prepared men for the learned professions, and which in all its teaching

was permeated by the ideals of the Christian religion common to the orthodox Congregationalism of that day. This was the only kind of an institution demanded by the constituency which the college was to serve, and by serving the community in just that way the college had its hearty cooperation from the start. It was indeed a fortunate thing that, in the days before the relation of the State to higher education had been so thoroughly worked out and organized as it is today, the college received no grant of money or lands with its charter and was thus left free to develop itself without the inevitable bias of political necessity.

President Atwater, the first president, continued in the service of the college for nine years, assisted during the years 1800-1806 by a succession of tutors, each serving a year at a time. Among these was Rev. Thomas A. Merrill, a graduate of Dartmouth College in the class of 1800, and its valedictorian over Daniel Webster. His subsequent call to the pastorate of the Middlebury church made him a life-long resident of Middlebury and a man of great influence in the affairs of the college. In 1806 the first professorship, that of Mathematics and Natural Philosophy, was founded largely through the generosity of Samuel Miller, who started with a gift of one thousand dollars the fund for its endowment. Frederick Hall, a graduate of Dartmouth College, was called to the chair. In the same year Daniel Chipman became professor of law. In the year 1809 President Atwater resigned to accept the presidency of Dickinson College.

His successor was Henry Davis, professor of languages in Union College, a graduate of Yale. He served until 1817, and after refusing the presidency of Yale, resigned to become President of Hamilton College. Almost coincident with his appointment, Col. Seth Storrs gave to the college the land comprising the present lower campus and under the leadership of Gamaliel Painter an effort was made to secure the assistance of the State in the erection of a new building upon that land. Nothing seems to have come of the effort, for we find that the building, now known as Painter Hall, was finally completed in 1815 by private benefaction, chiefly that of Judge Painter, and under his superintendence. It is now the oldest college building in Vermont.

President Davis was succeeded in 1818 by Rev. Joshua Bates, pastor of the church in Dedham, Mass. His election illustrates in a remarkable way the temper of the men who were directing the policy of the college. They were evidently fearful of the more liberal tendencies of the theology of their day. Doctor Bates was a man of intense religious beliefs, one of those who would be driven by liberal assaults into a more intense and fervent evangelism. For fifteen years he had succeeded in preserving the orthodoxy of his Dedham parish against continued attacks. How potent his influence had been is seen by the

effect of his removal. No sooner had he left them than schism broke out and reft the church beyond the possibility of reconciliation. In Vermont, orthodoxy still prevailed, although a more liberal theology had here and there a stronghold. It is as though the trustees had scented the battle from afar and realizing first the menace of schism and second the orthodox solidarity, as yet, of the Vermont community had determined to fortify themselves against the assaults of those bearing false doctrine. It is evident that they sensed aright the situation as it was in 1818, for the administration of President Bates was one of the longest and most prosperous in the history of the college. The student attendance grew rapidly for the time and place until in 1836, three years before President Bates resigned, it had reached 168. In that same year also, the building now called the Old Chapel, was completed as the consummation of a campaign for a fund of fifty thousand dollars for the erection of new buildings. The college had never been more prosperous and the prospects of continuous healthy growth had never been better.

And yet the very things which were elements of strength at the beginning of President Bates' administration were the eventual cause of his resignation and of the almost total disruption of the college. The penetration of liberal religious beliefs was slowly taking place even in Vermont and as an inevitable consequence those influences in the church which were most evangelical were thrown into a corresponding extreme of effort which was potentially possible of offence to the more staid, conservative, and old-fashioned forces in the community, the forces upon which the college had heretofore had the strongest hold. By nature and predisposition President Bates was strongly evangelical. In this view he was supported by Doctor Merrill, the pastor of the Middlebury church; and so he went about in his own way to that conflict with liberalism which had been as wine to his youth. The most sensational evangelist of the times, Rev. Jedediah Burchard, was called to Middlebury and a series of meetings undertaken, whose consequences were both unexpected and far-reaching. The more staidly orthodox people of the community were scandalized and those of the liberal party were quick to excite their alarm and to discredit President Bates in their eyes. He was represented as having drifted far from the place which a guide and mentor to the community should take and as having carried his college with him. These insinuations were successful. By his very zeal in good works President Bates exposed himself and the college to the attacks of his enemies and lost for himself and the college the confidence of the constituency which the college had served for forty years. It was a malicious counter-attack; the grounds of it were not true; the essential attitude of the college on matters of orthodoxy and methods of revivalism and true worship had not changed. But the country believed it had,

and the zealous mistake of President Bates and Doctor Merrill cost the college its prosperity. In the course of two years all the active faculty including the president had resigned and the student attendance, in 1830, 168, had fallen in 1840 to 46. It was an unparalleled disaster from which recovery was made only after years of toil and suffering.

In 1840, Benjamin Labaree, a graduate of Dartmouth College, assumed the presidency. It was, of course, a time of the greatest gloom and discouragement. There was practically no endowment. An entirely new faculty must be organized. The student body had been so depleted that "the class that graduated in 1838 was equal to the number present in all the classes in 1840." The community had evidently lost confidence in the college. Every effort of the new president must be bent toward the restoration of that confidence.

To this work he consecrated himself. He saw clearly that the loss of confidence was based upon a superficial judgment; and so he held consistently to the ideals which had become the college tradition. The reward of his efforts was two-fold. In 1848 he could announce that a fund of twenty-five thousand dollars had been raised, and the gradually increasing number of students showed that the confidence of the conservative element in the State was being restored.

The semi-centennial celebration in 1850 was the one bright spot in these years of struggle. It was followed by ten years of unremitting toil and of comparative prosperity. In 1860 the student attendance was for the first time since the catastrophic ending of President Bates' administration, slightly over 100. Neither President Harvey Denison Kitchel, who succeeded President Labaree and served until 1873, nor President Calvin B. Hulbert, who served from 1875 to 1880, were able to counteract the forces tending to separate college and community.

It was still to be a long time before the depression of the trying experiences which its second forty years had brought the college could be overcome; but the men who should lead it out into better days were even then being prepared. In the meantime the trustees elected Dr. Cyrus Hamlin, the heroic ex-president of Robert College, to the presidency. He administered the college for five more most discouraging years. Thus President Hamlin's administration, beginning as it does the third forty years, is seen to be the twilight before the oncoming of the day. It was in the administration of President Brainerd, his successor, that the foundations and the essential timbering of the present edifice were laid down. He began his duties in 1885 with a student body of 44. He relinquished them in 1908 when the students numbered 156, the largest attendance since 1836. He had seen over two hundred and fifty thousand dollars added to the endowment of the college and the erection of two beautiful new buildings flanking the other three—the Starr Library and Warner Science Hall. He resigned the president's office assured that Middlebury College had

been restored to its ancient position in the confidence of the community and had been put upon a sound basis for the continuance of that relationship.

John Martin Thomas became president of Middlebury College in 1908 and resigned in 1921. From the very beginning he caught the note of service which had been the ever-growing ideal of President Brainerd's administration.

The major appeal which President Thomas has made has been for those private benefactions which have from the beginning made the college possible. Most generously have the replies come, and the result has been a healthy and inspiring growth. In 1908 there were in the college 156 students, the largest enrollment for seventy years. In 1909 there were in the college 203 students, the largest enrollment in its history to that date. In 1920-21 the enrollment is 447. The faculty has increased from ten to over forty. The endowments have grown from $415,340 in 1908 to $1,597,329 in 1920, the value of the plant from $240,000 to $771,363, and the campus from 30 to 244 acres. There have been added nine new buildings, five of major importance. These are Pearsons Hall, a dormitory for women, made possible by the gift of $25,000 by D. K. Pearsons toward a fund of $100,000 announced by President Thomas at his inauguration; the McCullough Gymnasium, the gift of Gov. John G. McCullough; the Chemistry Building; Hepburn Hall, the gift of A. Barton Hepburn of the class of 1871; and the Mead Memorial Chapel, the gift of Gov. John A. Mead of the class of 1864. Notable among the bequests have been over four hundred thousand dollars from Joseph Battell, including some thirty thousand acres of forest land; one hundred thousand dollars from Dr. Henry F. Walker for a Furlough and Emergency Fund; one hundred thousand dollars from Mrs. Russell Sage; and fifty thousand dollars from Theodore N. Vail.

NORWICH UNIVERSITY

(Written by Prof. A. W. Peach)

In Northfield, Vt., is located Norwich University, the military college of the State. This institution was founded August 6, 1819, at Norwich, Vt., under the name of "The American Literary, Scientific and Military Academy," by Capt. Alden Partridge, U. S. A., a former superintendent of West Point. The Academy was the realization of an educational plan formulated by Capt. Alden Partridge; his conception of an education included not only training for civil pursuits but also training in military science with the idea that young men should be prepared to be of service in maintaining law and

order in State and national life and ready to meet the requirements of leadership in case of war. For a century the University has followed the particular theory laid down by its founder—training for effective service in time of peace or in time of war.

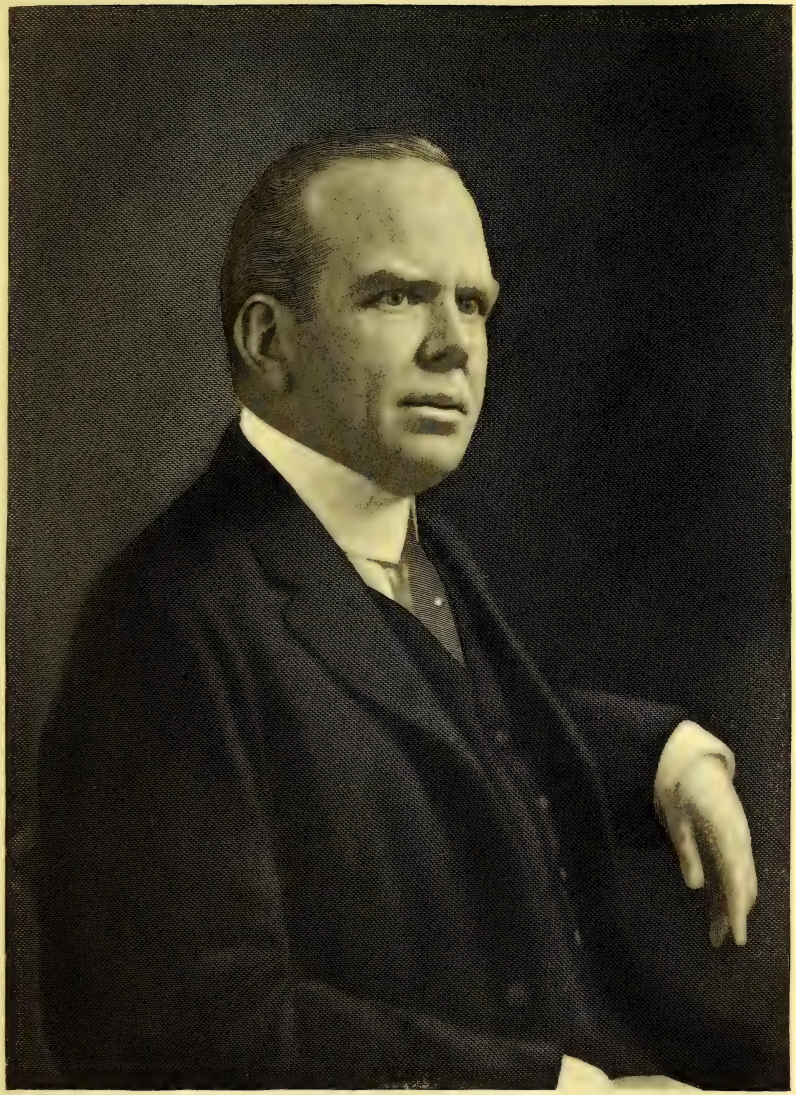
The Academy in Norwich was opened for the reception of students September 4, 1820. The attendance during the first year numbered one hundred, students coming from eleven States and one foreign country. In 1825 the Academy was removed to Middletown, Conn., where the attendance rose to four hundred and eighty students. The school at Middletown met opposition in the Connecticut Legislature when it sought a charter to confer degrees, award diplomas, and to raise by lottery, a common practice of the time, forty thousand dollars for chemical, astronomical and philosophical apparatus and for a library and buildings. As a result, the Academy buildings were sold to the Methodist Church for five thousand dollars and became the property of Wesleyan University. On June 4, 1827, Captain Partridge opened a preparatory school in Norwich in the Academy building to prepare pupils for admission to the seminary at Middletown.

In April, 1834, a convention of the Universalist Church met in Norwich, and liking the town and the substantial buildings, voted to found a college there. Captain Partridge was invited to become the president; a charter was procured that winter, and the college was opened in the spring of 1835.

During the successful years at Norwich came the Civil War with its immediate challenge of the worth of the training the college offered. The records show that the institution furnished a larger proportion of officers according to the number of its graduates than any other college in the country. No graduate bore a musket in the ranks. There were thirteen general officers and forty Colonels who took their degrees at Norwich.

The college remained at Norwich until the building known as the "South Barracks" burned in March, 1866. The town of Northfield immediately invited the college authorities to remove the college to Northfield. The invitation was accepted, and the institution entered upon a period of growth that has been fruitful in accomplishment.

The first building erected on the site at Northfield was a barracks now known as Jackman Hall, which was ready for occupancy in 1868. Dodge Hall, at present used for recitation and laboratory purposes, the gift of Gen. G. M. Dodge, 1851, was erected in 1892. Owing to the steadily increasing attendance it became necessary to provide a new barracks. The alumni of the University under the effective leadership of General Dodge raised funds for the building of Alumni Hall in 1906 in memory of Captain Partridge. In 1905 the Carnegie Library was given to the University by Andrew Carnegie.



The erection of Dewey Hall was made possible by the achievement of a son of Norwich, Admiral George Dewey, 1855, in defeating the Spanish fleet in the historic battle of Manila Bay. The idea of a memorial hall, erected in his honor at Norwich University, where he first received military training, was suggested and at once became popular with the people of the State and throughout the country generally. The building was completed in 1902.

In October, 1919, the founding of the University was commemorated with appropriate exercises and ceremonies through a period of four days. One of the features of the centennial celebration was the opening of the new cavalry stables, built with funds given by Gen. Rush C. Hawkins, the leader of the famous "Hawkins' Zouaves" in the Civil War, and other interested friends, including the Rough Riders' Association. The stables were constructed under the supervision of an expert cavalry officer and are considered to represent the last word in such construction. It may be said in passing that the interest of General Hawkins in Norwich rose from his belief, as stated later in the magazine *Science,* "above all else in military education, its tendency being to develop self-respecting, real men, who are more likely than others to be faithful in all relations which should adorn decent society. I am proud of the record made by Norwich graduates in the field and at sea whenever they have been called upon to serve their country."

On October 19, 1920, the Moses Taylor, Jr., Riding Hall was dedicated. Like the cavalry stables, this riding hall is considered to be as perfect in its field as such a hall can be. The hall was made possible by the gift of Moses Taylor of New York City in memory of his son, Lieut. Moses Taylor, Jr. Lieutenant Taylor was one of the many students who left the University to enter the service of the country during the World War. He was mortally wounded while leading a patrol in No Man's Land.

Under the terms of its charter the University is empowered to grant the degrees of Bachelor of Science, Bachelor of Science in Chemistry, Bachelor of Science in Civil Engineering, Bachelor of Science in Electrical Engineering, also the advanced degrees of Master of Arts, Master of Science, Civil Engineer, Electrical Engineer, and the usual honorary degrees. The courses are arranged on the usual collegiate basis of two semesters for a period of four years. In addition to the usual collegiate courses, the charter requires "a course of military instruction, both theoretical and practical." For this reason the discipline is military in form and principle. This course of instruction covers four years, and includes both recitation work and actual practice in the field.

As one of the institutions from which the National Government may draw trained officers, qualified for duty as officers of the Regular

Army and Reserves at all times, and for the National Army in time of war, the University has in charge of its military department, as professors of Military Science and Tactics, two officers of the Regular Army. The arms and equipment used in instruction are supplied by the War Department.

Under the provisions of the National Defense Act, approved June 3, 1916, the University has been designated as a Cavalry Unit of the Reserve Officers' Training Corps, Senior Division. It has the distinction of being the only exclusively cavalry institution of learning in the United States.

The General Staff of the United States Army, through its delegated officers, makes a thorough inspection of the military department annually, the result of which determines the rank held by the college in the War Department classification. The inspection of 1920, as of previous years, warranted the continuance of the rating held without interruption since the first inspection under this rating in 1904, "Distinguished College, M. C. Class."

There is only one other educational institution in the United States which has been so continuously rated.

The records of the graduates of the institution are indicative of success not only in military affairs but also in civil. The latest compilation ("History of Norwich University" by Dodge-Ellis, 1911) of records shows the division to be as follows: five hundred and forty-nine civil engineers, two hundred and sixteen lawyers, one hundred and twenty physicians, three hundred and thirty-four business men, ninety-eight bankers, thirty-four editors, and eighty authors. The list is, of course, not final nor entirely inclusive, but it serves to suggest the breadth of service which the graduates enter.

Among the names of prominent alumni of the University may be found those of Admiral George Dewey and Gen. Grenville M. Dodge.

The Honor Roll of the Civil War numbers over five hundred officers. With those who served in other wars and those now enrolled, the number totals about one thousand. The list includes eight Major Generals, twenty Brigadier Generals, sixty-two Colonels, one Admiral, six Real Admirals, eight Commodores and nearly nine hundred officers of lesser rank. Norwich was represented by trained officers in all wars from the Black Hawk War to date. Col. Truman B. Ransom, 1825, an early president of the University, met his death while leading the Ninth U. S. Infantry in its charge on the fortress of Chapultepec. At the outbreak of the Civil War the graduates and students were in demand as drill masters and rendered efficient service throughout the North. The national character of the University is shown in the fact that forty of the alumni served in the Confederate Army. On the breaking out of the Spanish-American War eighty percent of

the alumni and past cadets immediately offered their services. This record was bettered in the World War. The college was among the first to offer its services through President Reeves. Norwich alumni and cadets of military age numbered one thousand four hundred and forty-three; over one-half, or 58.4 percent, were in service, and 86 percent of those were commissioned officers. Such a record through the wars of the country is suggestive of the reason why Gen. Leonard Wood in a public address at the University made this comment: "The splendid thing about Norwich is that she has always kept the faith."

The century of successful effort, which has been briefly outlined, is due in no small part to the earnest and unselfish labor of the presidents of the University. The first president and founder, Captain Partridge, was born in Norwich, February 12, 1785, and died there January 16, 1854. He entered Dartmouth in August, 1802, and in 1805 received the appointment of cadet in the Artillerists, U. S. service, with orders to report at West Point, where he was graduated October 30, 1806; and on that date he became Assistant Professor of Mathematics. In 1808 he was detailed to act as superintendent, and he continued to act in that capacity with brief intervals until January 3, 1815, when he received the permanent appointment and served for two terms until July 28, 1817. He resigned from the army in April, 1818, and from that time devoted himself to the dissemination, by lectures and otherwise, of the views which he held of education required by the American citizen and the establishment of institution in which these views could be carried out.

The presidents who succeeded Captain Partridge held steadfastly to the ideals of the founder. The ensuing years witnessed critical times for the University, but effective leadership was not wanting, not only in the past, but down to and in present times. On May 22, 1920, Charles A. Plumley, a graduate in the class of 1896, was called to the presidency.

President Plumley was born in Northfield, April 14, 1875. He was educated in the public schools, preparing for college in the Northfield High School, and entering the University in 1892. The years that followed after his graduation eminently fitted him for the office which able teachers and officers of the army have held. His experience has been gained as a teacher, as an officer in the Vermont National Guard, and as State Tax Commissioner from 1913. By virtue of such service, which includes a term as Speaker of the Vermont House of Representatives, and his long interest in and familiarity with the affairs of the University, it may be expected that the traditions and peculiar characteristics of the University's scheme of education will be continued and made increasingly useful to the individual student, to the State and to the country.

At the gateway to the University the visitor will note a bronze tablet on which is this inscription:

"This Institution was founded upon the principle that a Citizen-Soldiery is essential to the maintenance of free government. Throughout a hundred years that principle has been cherished and men have here learned that obedience to law is liberty. In the centuries to come let all who enter through this gate be faithful to the past."

Norwich University stands today an integral part of Vermont's history. Like the sister colleges of the State, the graduates have helped to make Vermont traditions; they have also been particularly active because of their special training, in the wars in which the State has nobly borne a distinguished part. The future may ask much of Norwich, but the answer to every request will undoubtedly be the answer of the past—the answer of graduates trained for the quiet ways of peace and, when the need arises, for the tumultuous ways of war.

ST. MICHAEL'S COLLEGE AND HIGH SCHOOL

St. Michael's College is situated on one of the foothills of the Green Mountains, about one mile from Winooski and a half hour's trolley ride from Burlington, in the locality known as "Winooski Park." In close proximity are the Fanny Allen Hospital and Fort Ethan Allen. The College is under the direction of the Fathers of St. Edmund of Canterbury, a religious community founded at Pontigny, Burgundy, France. The same community also has charge of the parish in Swanton, Vt., where the Fathers have a Novitiate and a school for the community, also of missions in Montana among which is the Cheyenne reservation of St. Labre's Mission.

The history of St. Michael's College is comparatively short in years, dating from 1904, when it was opened by its first president, Very Rev. Amand Prevel, S. S. E., with an enrollment of forty-four students. Three years later, in 1907, an addition doubling the capacity of the original frame structure was erected. Successors to the founder were Rev. Ernest M. Salmon (1907 to 1913), Rev. Edmund M. Total (1913 to 1919). Since 1919 Rev. William JeanMarie has been in charge of the institution.

St. Michael's College was incorporated January 28, 1913, by an act of the Vermont Legislature and empowered to grant the usual college degrees.

The college course comprises four years, including two years of Philosophy. Together with the college course St. Michael's has from the beginning maintained a High School. This school has received recognition from the State of Vermont and the Board of Regents of

the State of New York. It comprises the following four-year courses: Classical, Latin-Scientific, English Scientific and Commercial.

Depending solely upon the moderate fees of the students, without endowment or State aid, St. Michael's, nevertheless, can boast of her progress. Within the last ten years the extent of her grounds has reached eighty-six acres by the acquisition of adjoining small estates. With the increase of students the houses on these estates were turned into dormitories known as St. Edmund's Hall and Prevel Hall. The college buildings accommodate about one hundred and forty-five students. The space now (1921) is quite insufficient for the number of applicants.

Full and partial scholarships have been established of late years, known as the Rev. C. E. Prevost, the Rev. J. F. Audet, the Rev. William Lonergan, the Catholic Foresters, and the Fathers of St. Edmund Scholarships.

St. Michael's College has its religious sodalities, its literary and debating organizations, its musical department, its athletic and its quarterly review, *The Purple and Gold.*

In 1920, St. Michael's had its first alumni meeting. Former students, now priests, lawyers, doctors and business men, assembled from Vermont and outside to pay homage to their alma mater.

VERMONT AUTHORS

THOMAS ROWLEY

THOMAS Rowley, of Danby, known as "the poet of the Green Mountain Boys," was the first Vermonter who may properly be included in a list of authors. He was a native of Hebron, Conn., who came to Danby in 1768, and soon took a commanding position, being chosen proprietor's clerk, the first Town Clerk, and chairman of the local committee of safety. He was the first Town Representative from Danby and was a prominent member of the General Assembly. He was active in declaring Vermont an independent State and aided in framing the Constitution. During his later years he lived in Shoreham.

In Goodhue's "History of Shoreham" it is said: "Rowley was chiefly distinguished in his time as a wit and poet. If Ethan Allen roused by every Green Mountain Boy in his log cabin and called him forth armed to the teeth in defense of his hearth and home by the vehemence of his appeals in homely phrase, Rowley set the mountains on fire by the inspiration of his muse. These poems, once everywhere sung in the State, have mostly faded from the memory of men." * * *

Many of his poems were published in the *Rural Magazine* and in the *Bennington Gazette*. A pamphlet, entitled "Selections and Miscellaneous Works of Thomas Rowley," was published in 1802. One of his best known poems was an invitation to poor tenants in New York to settle on lands in the New Hampshire Grants.

Rowley died in Benson in 1803. His verses were crude, but they were forceful, and they suited the time and the people for which they were written.

ROYALL TYLER

The first distinctively American play to be acted on an American stage, "The Contrast," was written by Royall Tyler, who removed from Massachusetts to Vermont not long after the play was brought out and became one of the most prominent citizens of the State. The date of its first production was April 16, 1787, and it was given in the John Street Theater in New York. It was presented in Philadelphia, Wilmington and Baltimore and was given again in New York in 1789, at the Park Street Theater, while the First Congress of the United States was in session in that city. The comedy was written in three weeks, and the profits on one night's performance were given to the sufferers from a fire at Boston.

Stedman and Hutchinson's "Library of American Literature" quotes liberally from Judge Tyler's prose and verse, and says of "The Contrast": "It is the first essay of American genius in a difficult species of composition; it was written by one who never critically studied the rules of the drama and, indeed, had seen but few of the exhibitions of the stage." Prof. Perley I. Reed of Maryland State College, in "Realistic Characters in American Plays," has said of "The Contrast": "It was the earliest production of an American play into which had been introduced an acting character, distinctive, national and vital, not drawn from the imagination or the current list of stock dramatic types but reproduced fundamentally from the very substance of American civilization. * * * With the presentation of 'The Contrast' American drama may be said to have come under significant theatrical influence."

Mr. Tyler's brother, Col. John Tyler, became manager of the Boston Theater about this time, and the author of "The Contrast" was asked to write some plays. Among those which he contributed were "The Dualists," a farce in three acts; "The Georgia Spec, or Land in the Moon," based on the prevailing speculation in Yazoo lands; "The Doctor in Spite of Himself," an imitation of Moliere's comedy; and "Baritaria, or the Governor of a Day," based on the adventures of Sancho Panza. These plays were received with much favor.

Royall Tyler was a frequent contributor to *The Farmers' Weekly Museum* or the *New Hampshire and Vermont Journal,* a magazine published at Walpole, N. H., by Joseph Dennie. James Melvin Lee, in his "History of American Journalism," says Judge Tyler's humorous squibs were the precursor of the modern newspaper "column." He further says: "No paragraphers of the nineteenth century ever surpassed Tyler in skilful alliteration, of which he was unusually fond."

What has been called Tyler's most important literary work was a novel entitled "The Algerine Captive," published by David Carlisle at Walpole, N. H., in 1797. It received respectful attention from English reviewers and is said to have been the first American work of fiction republished in London.

Judge Tyler contributed prose and verse to *The Polyanthus,* a Boston magazine, and in 1810 a series of letters from his pen representing the sojourn of an American youth in London for nine months was published under the caption of "The Yankee in London."

Royall Tyler easily ranks among Vermont's ablest and most brilliant men. He was born in Boston, July 18, 1757, and graduated from Harvard College in 1776 at the age of nineteen, being distinguished for his scholarly attainments and keen wit. At the same time he received from Yale College, the rival of Harvard, the degree of A. B. He studied law from 1776 to 1779. In the summer of 1778

he enlisted in the American army and served as an aide on General Sullivan's staff. He was admitted to the bar in 1779 and practiced law in Portland, Me., for about two years. He then removed to Quincy (then known as Braintree), Mass., but his business increased and he returned to Boston. Early in 1787 he was appointed an aide on the staff of General Lincoln, when the militia was called out to suppress Shays' Rebellion. During this period of military service he visited Vermont and made the acquaintance of the leading public men of the State.

The young Boston lawyer was very popular at this time. His plays were produced with great success. "The Contrast" was given in the Park Theater the evening of the day on which George Washington was first inaugurated President of the United States. A letter written by a friend said: "He was petted, caressed, feasted and toasted, and no doubt lived too freely." He was engaged to marry Abigail, daughter of John Adams, but the engagement was broken, probably on account of reports concerning the gay life he led. This affair may have been the motive which induced him to abandon Boston and remove to Vermont. In 1791 he opened a law office in Guilford, then the most populous town in the State, and his practice grew rapidly. In 1794 he married Mary, the daughter of Gen. Joseph P. Palmer of Framingham, Mass. He was elected State's Attorney for Windham county in 1798 and held the office until he was chosen a Judge of the Supreme Court in 1801. In 1807 he was made Chief Justice, holding the position until 1813. He then resumed the practice of law in Brattleboro, whither he had removed in 1801. He was an unsuccessful candidate for United States Senator, a position which he would have adorned. For a considerable period he was a member of the corporation of the University of Vermont and for several years he was a professor of jurisprudence in that institution. He died August 16, 1826.

SAMUEL WILLIAMS

"The Natural and Civil History of Vermont," the first history of the Green Mountain State, was written by Rev. Samuel Williams of Rutland in 1794. It was published by Isaiah Thomas and David Carlisle, Jr., at Walpole, N. H. A second edition, in two volumes, was published by Samuel Mills of Burlington in 1809.

Samuel Williams was born at Waltham, Mass., April 23, 1743, and graduated from Harvard College in 1761, at the age of eighteen years. He was chosen by Professor Winthrop to accompany him to Newfoundland to observe the transit of Venus. He taught school, studied theology, and in 1763, at the age of twenty, was licensed to

preach. In 1765 he became pastor of the Bradford, Mass., Congregational Church. In 1780 he was appointed Hollis professor of mathematics and natural philosophy at Harvard College. While here he was given the degree of LL. D. by Yale College and the University of Edinburgh. He was an active member of the American Academy of Arts and Sciences, and a member of the Philosophical Society of Philadelphia and the Meteorological Society of Mannheim, Germany. In 1786 he was appointed one of the Massachusetts agents for locating the boundary between that State and New York.

Mr. Williams resigned his professorship in Harvard in 1788 and removed to Rutland, Vt. The exact reason for this change is unknown at the present time, but at the time there were rumors of certain business complications which may have been the cause of his removal. He preached in Rutland for several years, and edited the *Rutland Herald*. In the latter capacity he became a power in the Federalist party in the State. He was appointed in 1805 an agent to ascertain the northern boundary of the State. He preached two years in Burlington and was a lecturer in the University of Vermont. He died January 2, 1817.

ZADOCK THOMPSON

Of all the persons who have written concerning Vermont, probably no one has equalled Zadock Thompson in time and labor expended and in useful publications produced. He was born in Bridgewater, May 29, 1796. As a child he was studious and was naturally inclined to scientific studies. His parents were too poor to give him the college education which he earnestly desired, and he paid his way through the University of Vermont by making and selling almanacs. The first edition was published in 1823, the year in which he entered college. His sisters sewed the almanacs and he peddled them up and down the State, traveling on foot and on horseback, sometimes taking paper and rags in payment. In this way he visited nearly every town in Vermont, and on these journeys he took occasion to consult town records and converse with old residents, thus gathering material for historical works which he published in later years. He graduated from the University of Vermont in 1823 and in 1825 he was appointed a tutor in that institution. In the same year he published "The Youth's Assistant in Practical Arithmetic," a volume of one hundred and sixty pages. Several editions of this textbook were issued, and in 1828 "Thompson's New Arithmetic" was published, containing two hundred and sixteen pages. The tenth edition was issued in 1837. In 1828 Mr. Thompson edited *The Iris* and *Burlington Literary Gazette*. He taught in Hatley and Sherbrooke, Que., in 1833, and in 1835 published the "Geography and History of Lower Canada,"

designed for use in schools. He was ordained an Episcopal clergyman in 1835, and in 1837 became a teacher in the Episcopal Institute at Burlington.

Mr. Thompson's most important service, probably, was the production in 1824 of "A Gazetteer of the State of Vermont," three hundred and ten pages; a "History of the State of Vermont From Its Earliest Settlement to the Close of the Year 1832," two hundred and fifty-two pages, published in 1832, a second edition appearing in 1836; and a "History of Vermont, Natural, Civil and Statistical," in three parts, six hundred and fifty pages, issued in 1842. An appendix to the work last named was published in 1853, designed to bring the record down to the date mentioned. This history, known popularly as "Thompson's Vermont," devotes much space to a description of the animals, birds, fishes, plants, trees, minerals and geography of the State, its history and sketches of each town in Vermont. It is a monumental work and for seventy years (1921) has been the main reliance of the people of the State for historical facts.

In 1849 he published "The First Book of Geography for Vermont Children," and in 1852 a "Journal of a Trip to London, Paris and the Great Exhibition of 1851." He also wrote several guide books dealing with Vermont and Lake Champlain. He was appointed professor of chemistry and natural history at the University of Vermont in 1851. For thirty-four years he furnished the astronomical calculations for "Walton's Vermont Register." Beginning in 1841 he served the State as Geologist, Naturalist, and Curator of the State Cabinet, holding these positions during the remainder of his life. He died at his home in Burlington, January 19, 1856. Zadock Thompson belongs in the list of Vermont's great men. It is doubtful if any Vermonter has equalled this man in the variety of important facts concerning Vermont dug out from original sources and made available for the people of the State.

OTHER HISTORIANS

Hall's "History of Eastern Vermont" is one of the standard historical works relating to this State. It was written by Benjamin H. Hall of Troy, N. Y., a lawyer and newspaper man, was published by D. Appleton & Co. of New York in 1858, and contains about eight hundred pages. As its title indicates it deals with that portion of the State east of the Green Mountains. It is an excellent history, treating the various subjects in detail, and contains valuable biographical material.

Hiland Hall's services to the State as Congressman and Governor have been treated elsewhere, but valuable as they were, he is remem-

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bered more often for his historical rather than his political labors. His "History of Vermont from the Discovery to Its Admission into the Union in 1791" covers the period treated more completely than any other publication.

Like Hiland Hall, E. P. Walton served his State with distinction in Congress. For many years he was an influential editor, but he is more often remembered as the compiler of "Governor and Council" than as politician or newspaper man. There is a vast amount of historical information in the eight volumes, which give a detailed account of the early Vermont conventions, the formation of the Constitution, the proceedings of the Council of Safety and the doings of Governor and Council from the beginning of the State government to the abolition of the Council in 1836. The appendixes in each volume contain a large number of historical documents and many biographical sketches. The work is a mine of information for the student of Vermont history. These volumes were published during the period 1873-79, inclusive.

"Hemenway's Gazetteer," issued originally as a magazine by its author, Abby Maria Hemenway, was published later in five large volumes, containing approximately six thousand pages. It embraces all the towns of all the counties, with the exception of Windsor county. The manuscript history of the several towns of the last named county was ready for publication, but financial conditions were not opportune and the manuscript was accidentally burned, an irreparable loss. This is a great storehouse of the raw material of State and local history. Miss Hemenway's first publication was "Poets and Poetry of Vermont," issued in 1858. The "Gazetteer" appeared during the period 1867-90, inclusive. Miss Hemenway was born in Ludlow in 1827 and died in Chicago in 1890.

L. F. Wilbur, of Jericho, between 1889 and 1903, produced a four-volume "History of Vermont," containing much valuable information. Rowland Robinson is better known as a writer of Vermont tales than as an historian, but his "Vermont, a Study of Independence," a volume of three hundred and seventy pages, published in 1892 by Houghton Mifflin & Co., in the "American Commonwealth" series, is an admirable condensation of the history of the State. "Vermont in the Civil War," in two volumes, published in 1886-88, and written by George Grenville Benedict, one of Vermont's most prominent editors, is an excellent and thorough presentation of Vermont's part in the war of 1861-65. Mr. Benedict also published "Army Life in Virginia."

In 1890, Edward Conant, a well-known educator, prepared the "Geography, History and Civil Government of Vermont," which was published by the Tuttle Company of Rutland. This book has been used in the public schools of the State. Several editions have been published, the later ones being brought up to date by Mason S. Stone,

for several years State Superintendent of Education. In 1903, Ginn & Company published an excellent "History of Vermont," containing three hundred and twenty-five pages, written by Edward D. Collins, a member of the faculty of Middlebury College. "Vermont for Young Vermonters," by Miriam I. Kimball, is an excellent textbook. "The Vermont Revolutionary Rolls," compiled by Prof. John E. Goodrich of the University of Vermont and published by authority of the State in 1904, contains a list of Vermont's Revolutionary soldiers. "A History of Lake Champlain," containing three hundred and thirty-five pages, written by Walter H. Crockett, was published in 1909.

VERMONT POETS

CHARLES G. EASTMAN

CHARLES Gamage Eastman published a volume of poems in 1848, and these poems were reprinted in 1880. His descriptions of various phases of Vermont life are excellent. He was a close observer of nature and his descriptions of out-of-door life are particularly good. Born in Fryeburg, Me., June 1, 1816, he came to Vermont at an early age. He studied at the University of Vermont, but did not graduate. While in college he was an associate editor of the *Burlington Sentinel.* He established the *Lamoille Express* at Johnson in 1838 and published it for two years. He then removed to Woodstock and founded the *Spirit of the Age,* which he conducted until 1846, when he purchased the *Vermont Patriot and State Gazette* at Montpelier, which he published until his death. He was active in public affairs and a prominent member of the Democratic party. He was a close friend of John G. Saxe.

JOHN G. SAXE

Probably Vermont never produced a more popular author, or one as widely known, as John Godfrey Saxe. He was born in Highgate, June 2, 1816, one day after his friend, Charles G. Eastman. The young man prepared for college at St. Albans, entered Wesleyan University, and at the end of one year transferred to Middlebury College. He graduated in 1839, studied law at Lewiston, N. Y., and in 1841 married Sophia Sollace of Bridport, sister of a college classmate. He completed his law studies at St. Albans and was admitted to the bar in 1843. He practiced law in Highgate and St. Albans for seven years. About this time be began to contribute to the *Knickerbocker Magazine.* In 1850 he removed to Burlington, and for ten years he resided in that city. He was elected State's Attorney of Chittenden county in 1851. Finding the practice of law irksome he abandoned it and with a few thousand dollars inherited from his father, he purchased the *Vermont Sentinel* in 1851 and became its editor. For a time he was a deputy collector of customs. In 1859 and 1860 he was the Democratic candidate for Governor.

His first volume of poems appeared in 1849 and during the active period of his literary work more than forty editions of his poems were published in America and Europe. He was noted for his humor and was a famous punster. His poems included "The Flying Dutchman," "The Money King and Other Poems," "Clever Stories of Many

Nations Rendered in Rhyme," "The Masquerade and Other Poems," "Fables and Legends of Many Countries Rendered in Rhyme," "The Proud Miss MacBride" and "Leisure Day Rhymes." Complete editions of his poems were also published.

People who came in contact with him were charmed by his genial personality and wit and he became a national favorite. His verses were quoted both at home and abroad and such was his popularity that he was soon obliged to leave prose and the press and move to Albany and confine his work to poetry and to the lecture platform. He lived in Albany from 1860 to 1870 and during these years visited England twice, where he lectured and where he was much sought after by literary people. His life at Albany was very happy. He was then at the height of his fame. He was a contributor to the leading magazines, was welcomed to the best society and had acquired a competence. He was a handsome man, six feet, two inches in height, with a finely poised head on broad shoulders. He was a brilliant conversationalist and was in his element at the fashionable resort of Saratoga Springs, which he visited for twenty-three consecutive summers.

The Poet's lectures were delivered from Maine to California and he was in great demand. During the troublesome years just previous to the Civil War he spent many of his winters in the Southern States and was a guest at many of the old manor houses, where he was welcomed because of his abundance of good cheer and his well-known political views. During the year 1867 he visited England as a guest of the late George Peabody and through his influence and introduction delivered many lectures and was hailed by the English press as "A Second Tom Hood," and when he returned in the fall he brought with him many gifts from England's best people. During the years from 1855 to 1870 one would seldom pick up a paper that did not contain some joke or witty speech or poem from the poet's pen.

The poet Saxe died in 1887, after an illness of many years, the result of a railroad accident which occurred while he was returning from a lecturing tour in the West. He was taken from burning cars unconscious and brought home and afterwards developed melancholia. During these years his devoted wife and all but one of his five children were removed by death, and the poet who had done so much toward contributing a cheerful note to the world never recovered.

The State of Vermont has erected at the old homestead at Highgate a monument to his memory, which was unveiled in August, 1920. In 1916 Middlebury College observed the one hundredth anniversary of the poet's birth, and reciprocated his services in officiating as the poet on the occasion of Middlebury's fiftieth anniversary by conferring upon his namesake, John G. Saxe, of New York, the degree of Doctor of Laws.

MRS. JULIA C. R. DORR

The foremost place among Vermont poets is generally awarded to Mrs. Julia Caroline (Ripley) Dorr. She was born in Charleston, S. C., her father, William Y. Ripley, being a man of New England ancestry. Her mother, Zulma DeLacy Thomas, was the daughter of French parents, who resided in San Domingo. Owing to Mrs. Ripley's failing health the family removed to Vermont, where Mr. Ripley became associated with the development of the Rutland marble interests. In 1845 she married Seneca M. Dorr, who became a prominent citizen of Rutland, being a successful lawyer and banker. The Dorr homestead, known as "The Maples," with its beautiful gardens and its extensive and noble views of the Vermont mountains and valleys, was frequented by many famous literary people.

Mrs. Dorr began to write at the age of twelve years, but she published nothing until after her marriage, her first poem appearing in the *Union Magazine* in 1849, having been sent by her husband without her knowledge. Her first prose work to be published was a story which secured one of ten hundred-dollar prizes offered by *Sartain's Magazine*. Other winners in this contest were James Russell Lowell and Edward Everett Hale. For more than sixty years she was active with her pen. She wrote sonnets, ballads and poems for anniversary occasions, contributing frequently to magazines. Several editions of her poems have been published. In her later years the volume entitled "Afterglow" appeared, and still later, "Beyond the Sunset." Some of her best known poems are "Vermont" (written for the centennial anniversary of 1877), "Gettysburg," "The Dead Century," "The Armorer's Errand," "The Last of Six," "Supplicamus," "Our Flags at the Capitol," "In the Wilderness," "Heirship," "Friar Anselmo," "The Legend of the Organ Builder," "Entering In," "The Old Fashioned Garden," "My Lovers," "At Rest," "Day and Night," "Mercedes," "The Fallow Field," "O Wind That Blows Out of the West," "The Doves of Mendon," "The Blind Bird's Nest," and "Come What May."

Her prose works included "Farmingdale," "Lanmere," "Sybil Huntington" and "Expiation," novels; and "Bermuda," "The Flower of England's Face," "A Cathedral Pilgrimage" and "In Kings' Houses." Emerson gave her a place in his "Parnassus," and Stoddard included ten of her poems in his "Female Poets of America." E. C. Stedman in his "American Anthology" wrote: "Mrs. Dorr holds a distinguished and enviable position among American women."

Her literary friends included Longfellow, Lowell, Whittier, Emerson, Holmes, Stoddard, Higginson, Julia Ward Howe, Lucy Larcom and Harriet Beecher Stowe.

Middlebury College conferred upon her the degree of Doctor of Letters. Mrs. Dorr was a woman of charming personality, a gentlewoman in the best sense of the term. Her literary labors continued until the end of her long life. She died on January 18, 1912, lacking only a few weeks of reaching the age of eighty-eight years.

WENDELL P. STAFFORD

Judge Wendell P. Stafford deserves a high place among Vermont poets. A reference has been made to his appointment as Justice of the Supreme Court of the District of Columbia, and he is also a professor of equity jurisprudence in George Washington University. He retains his legal residence at St. Johnsbury. His published works include the following volumes of poems: "North Flowers" (1902); "Dorian Days" (1909); "Voices, a Dramatic Ode" (1915); "The Land We Love" (1916); "War Poems" (1917). Some of his Vermont poems deserve to rank among the best of the kind ever written, the graceful phraseology and loyal sentiments expressed being altogether admirable. Judge Stafford is an eloquent orator and a volume of his speeches was published in 1913.

JAMES BUCKHAM

James Buckham, eldest son of President Matthew H. Buckham of the University of Vermont, was born in Burlington, Vt., November 25, 1858. He graduated from the University in 1881 and for six years was a member of the editorial staff of the *Burlington Free Press*. He established a humorous column known as "The Kaleidoscope," and his original jokes were widely copied throughout the United States and Canada. He took a special course at Johns Hopkins University in 1888 and a post-graduate course at Andover Theological Seminary in 1889-90 and 1891-92. From 1893 to 1898 he was a member of the editorial staff of the *Youth's Companion*, the department of poetry being under his supervision. He resigned in order to devote his entire time to literary work, residing at Atlantic, Mass., and later at Melrose, Mass. He was a writer of graceful verse and was a successful author of short stories. Seventy of his short poems were published by Copeland and Day of Boston in 1897 under the title of "The Heart of Life." He was at his best in nature studies and devotional articles. Other publications were "Where Town and Country Meet" (1903); "A Wayside Altar," poems (1905); "Afield with the Seasons" (1907); and "The Heritage of Life" (1907). He died January 8, 1908, in his fiftieth year.

DANIEL L. CADY

"Vermont Rural Life Poems" by Daniel L. Cady, several editions of which have been printed, have been very popular. Mr. Cady has performed a real public service in preserving in rhyme the quaint and half forgotten rural habits and customs of Vermont in the middle of the nineteenth century. Mr. Cady was born in West Windsor, Vt., March 10, 1861, fitted for college at Kimball Union Academy, Meriden, N. H., and graduated from the University of Vermont in 1886. He practiced law in New York City until 1912, and since that time has resided in Burlington, Vt. He was the poet of the Plattsburg, N. Y., Lake Champlain Tercentenary celebration in 1909. A volume of poems written by Mr. Cady, entitled "Maize and Milkweed," has been printed for private distribution.

Among other Vermonters who have written excellent verse, Professor A. W. Peach of Norwich University, Rev. A. W. Hewitt of Northfield, and Sylvia Bliss of Calais, should be mentioned.

VERMONT NOVELISTS

DANIEL P. THOMPSON

PROBABLY more persons have become familiar with the early struggles of Vermont through reading D. P. Thompson's stirring tale, "The Green Mountain Boys," than from the pages of all the histories of the commonwealth ever written. Based on facts, this story has held the interest of three generations of American readers. Daniel P. Thompson was born at Charlestown, Mass., near historic Bunker Hill, October 1, 1795. With his parents he came to Vermont in 1800. He graduated from Middlebury College in 1820, was a tutor in the South for several years, studied law, was admitted to the bar and opened an office in Montpelier. He was soon appointed Register of Probate, and held the office from 1825 to 1833. He served as Judge of Probate for Washington county from 1837 to 1840 and 1841 to 1842. He was Clerk of Washington County Court from 1843 to 1845 and Secretary of State from 1853 to 1855. From 1849 to 1856 he edited the *Green Mountain Freeman* and in this paper he published many historical reminiscences.

His literary career began with the publication of "May Martin, or the Money Diggers," which won a prize offered by the *New England Galaxy,* a Boston newspaper. The story was published in book form in 1835 and was reprinted in London. During the same year he produced a satirical novel, "The Adventures of Timothy Peacock," dealing with the Anti-Masonic movement. His next novel, and his most famous work, was "The Green Mountain Boys." It was dedicated to Hon. Heman Allen, United States Minister to Chili. The preface was dated March, 1839, and the book was published in Montpelier in 1840, being reprinted in Boston and London. "Locke Amsden" was published in Boston in 1845, and was designed to bring about a reform of the school system. "The Rangers, or the Tory's Daughter," published in 1850, described incidents of the campaigns of 1777, including the battle of Bennington. Other volumes by Thompson appeared as follows: "Tales of the Green Mountains" (1852); "Gaut Gurley," a tale of the Umbagog (1857); "The Doomed Chief, or King Philip" (1860); "Centeola" (1864). His "History of Montpelier" was published in 1860. According to Appleton's Cyclopedia of Biography he left an unfinished novel, "The Honest Lawyer, or the Fair Castaway."

In personal appearance he was tall and slender, and was a man of genial and pleasant manner. The children of the neighborhood found him a fascinating story teller and he would hold their attention

ARTHUR B. WILDER

Born in Poultney, Vt., April 23, 1857, being the son of Jonas and Lucy (Brickett) Wilder. He attended the public schools and private schools of Rupert and Poultney. He was employed as a clerk in stores at Rupert, Vt., and Saratoga, N. Y., in various railroad positions and as manager of a hotel at Big Stone Gap, Va. In July, 1889, he purchased the Eagle Hotel at Woodstock, Vt. The following year he sold the property and a new hotel, the Woodstock Inn, was built. Mr. Wilder became clerk and later manager, a position which he has held (1922) twenty-four years. This is one of the largest tourist hotels in the State. He is a director of the Woodstock Electric Company, and president of the Vermont Hotel Association. Mr. Wilder became interested in art at an early age, and studied in the Art Students' League in New York and in the Art Guild at Brooklyn. It was his intention to make art his profession, but ill health and other circumstances prevented. He has painted a large number of pictures, is a member of the Boston Water Color Club and has exhibited his pictures in Boston, New York, Philadelphia and Chicago. Among his pictures are: "The Open Brook," "The Oak Tree," "Snowing Mount Tom," "Barnard Hills," "Apple Boughs in Winter," "Ascutney Mountain," "Bend in the River," "Autumn Birches," "Snow Sketch," "Late Afternoon," "River in the Spring," "Willows in Spring," "The Old Covered Bridge," "A Quiet Smoke," "Interior Sketch," "Night Sketch" (charcoal), "A Grey Day," "Autumn in Virginia," "The Fair Grounds," "Charcoal Sketch," "Sewing," "The Hill Farm" (pastel), "Channel in the River" (pastel), "Play House" (pastel), "Moonlight on Mount Tom" (pastel), "River in Spring" (pastel), "Wayside" (pastel), "Snow Storm," "Sunlight and Shadow" (pastel), "Autumn," "The Intruder," "The Canal to the Mill," "Ascutney Mountain" (from Amsden), "The Fireside," "Interior," "Sketch of Boy," "Winter" (monotype), "Sketch" (monotype). On November 14, 1889, he married Juliet McBurney of Saratoga, N. Y. Their children are Katherine, Juliet R., Frederick J., Margaret S., Marion L., and Arthur B. Wilder, Jr.

Born in Poultney, Vt., April 23, 1837, being the son of James and Mary (Hubbard) Walker. He attended the public schools and private schools of Troy and Poultney. He was employed as a clerk in stores at Troy, Vt., and Saratoga, N. Y., in various railroad positions, and as manager of a hotel at Big Stone Gap, Va. In July, 1862, he produced the Eagle Hotel at Waterbury, Vt. The following year he sold the property and a new hotel the Woodstock Inn, was built. Mr. Walker became clerk and later manager, a position which he has held (1897) nearly forty-four years. This is one of the largest hotels in the State. He is a director of the Woodstock Electric Company, and proprietor of the Pleasant Hill Association. Mr. Walker became interested in art at an early age, and studied in the Art Students' League in New York and in the Art Guild of Brooklyn. It was his intention to make art his profession, but ill health and other circumstances prevented. He has painted a large number of pictures, is a member of the Bacon Water Color Club and has exhibited in pictures in Boston, New York, Philadelphia and Chicago. Among his pictures are "Old Cider Mill," "Sunset Glow," "Among the Hills," "Autumn Days," "Autumn Leaves," "Autumn Birches," "Snow Scene," "Late Afternoon," "Rain" [illegible] "Spring," "Willows in Spring," "The Old [illegible]," "[illegible] Lane," "Autumn Scene," "Autumn in [illegible]," "A Cider Mill," "Autumn in [illegible]," "The Old [illegible]," "Pleasant Scene," "Autumn Scene," "The Elm Tree" (pastel), "Spring" in the Library" (pastel), "The Three Trees" (pastel), "Moonlight on Mount [illegible]" (pastel), "Cider Mill" (pastel), "Autumn Scene" (pastel), "Moonlight on Mount [illegible]" (pastel), "Autumn" (pastel), "The Intervale," "The Old Mill," "[illegible]," "Spring Scene," "Autumn Scene," "Cider Mill," "The Three Trees," "Sketch of Log [illegible]," "Winter" (pastel), "Sketch" (pastel), "Autumn" (pastel), "Autumn Scene," "Autumn Scene," "Autumn Scene,"

by the hour. He was fond of out-door life and was an ardent fisherman.

Mr. Thompson died at his home in Montpelier, June 6, 1868, aged nearly seventy-three years. A handsome bronze tablet in his memory has been erected in the State House and was dedicated January 19, 1915.

ROWLAND E. ROBINSON

The most popular Vermont novelist of the latter half of the nineteenth century was Rowland E. Robinson. A close observer and a keen lover of nature, familiar from his childhood with the people of this State, their traditions and their customs, he was able to depict Vermont life with great accuracy. No writer has equalled Rowland Robinson in the use of the Vermont dialect of a generation or more ago, and his reproduction of the French-Canadian dialect is equally good. He was born in Ferrisburg, May 14, 1833, of Quaker parentage. His father was an active Abolitionist and the Robinson homestead was a station on the "Underground Railroad" that transported runaway slaves to Canada in the period preceding the Civil War. His mother was the daughter of a New York painter and from her he inherited an artistic temperament. As a lad he spent much time in the fields and woods and became familiar with the birds, the animals and the fishes of the region in which he lived.

Mr. Robinson spent a part of his life in New York. Many of his sketches appeared as illustrations in *Leslie's Weekly,* and he was a draughtsman for the Orange Judd publications for several years. He was a frequent contributor to *Forest and Stream,* and was a member of its editorial staff. Failing eyesight compelled him to return to the ancestral homestead in Ferrisburg, and after seven years of impaired vision he became totally blind in 1893. Fortunately his memory was stored with recollections of the world around him, and with a grooved board prepared for the blind he was able to write some of his best stories, which were prepared for publication by his faithful wife. He died at his home, October 15, 1900.

Mr. Robinson's books include the following titles: "Uncle Lisha's Shop" (1887); "Sam Lovel's Camps" (1889); "Vermont, a Study of Independence" (1892); "Danvis Folks" (1894); "In New England Fields and Woods" (1896); "Uncle Lisha's Outing" (1897); "A Hero of Ticonderoga" (1898); "In the Green Wood" (1899); "A Danvis Pioneer" (1900); "Sam Lovel's Boy" (1901); "Hunting Without a Gun, and Other Tales" (1905); "Out of Bondage" (1905). Several of his books were not published until after his death.

Mr. Robinson ranked among the best of American dialect writers and he performed a valuable service in preserving pictures of early Vermont life that without his pen might have been lost to later generations.

DOROTHY CANFIELD FISHER

One of the best known of present-day (1921) writers is Mrs. Dorothy Canfield Fisher, whose home is in Arlington. She is a daughter of the late James H. Canfield, president of Ohio State University and afterward librarian of Columbia University. She was born at Lawrence, Kan., February 17, 1879, graduated from Ohio State University in 1899, and received her Ph. D. degree at Columbia in 1904. In 1907 she married John R. Fisher of New York. She was secretary of the Horace Mann School, 1902-05, studied and traveled extensively in Europe, was a frequent contributor to magazines, and was engaged in war work in France for three years. She carried on work for soldiers blinded in battle, organized a Red Cross hospital for children from the evacuated portions of France, and conducted a camp on the edge of the war zone where her husband was training young ambulance workers. When peace came the Fisher family returned to their Vermont home. In 1921, Governor Hartness appointed Mrs. Fisher a member of the State Board of Education. Her books include the following: "Corneille and Racine in England" (1904); "What Shall We Do Now" (1906); "Gunhild" (1907); "The Squirrel Cage" (1912); "The Montessori Mother" (1913); "Mothers and Children" (1914); "Hillsboro People" (1915); "The Bent Twig" (1915); "The Real Motive" (1916); "Understood Betsy" (1917); "Home Fires in France" (1918); "The Day of Glory" (1919); "The Brimming Cup" (1921).

SARAH N. CLEGHORN

Another Vermont author is Sarah N. Cleghorn, who was born in Norfolk, Va., February 4, 1876. She graduated from Burr and Burton Seminary, at Manchester, Vt., in 1895, and later studied at Radcliffe College. Her home is at Manchester. Her published works include: "A Turnpike Lady" (1907); "The Spinster" (1916); "Fellow Captains" (with Dorothy Canfield Fisher) (1916); "Portraits and Protests" (poems) (1917).

THEODORA A. PECK

Theodora A. Peck was born in Burlington, October 25, 1882, being the only child of Gen. and Mrs. Theodore S. Peck. She graduated from the Burlington High School in 1900 and studied two years in the University of Vermont. She has written several historical novels and some poems. Among her best known novels are: "Hester of the Grants" (1905); "The Sword of Dundee" (1908); and "White Dawn" (1914).

RUDYARD KIPLING

Rudyard Kipling's wife was a Miss Balestier of Brattleboro and this fact induced him to build a residence in the style of an Indian bungalow a little way out from that Vermont village, which he named "Naulakha." Here he lived for several years and here some of his children were born. While living here he went to the Grand Banks of Newfoundland with Dr. James Conland of Brattleboro, his family physician, to obtain materials for "Captains Courageous." Here he wrote this novel, also "The Jungle Book," a collection of short stories entitled "The Day's Work," and poems in "The Seven Seas."

RAYMOND McFARLAND

Prof. Raymond McFarland, until recently a member of the faculty of Middlebury College, now (1921) principal of Vermont Academy at Saxtons River, has written several interesting sea tales.

SOME VERMONT NEWSPAPERS AND EDITORS

PROBABLY the first printing press in Vermont was set up at Brattleboro in 1773 by Samuel Gale, a New York surveyor, who became clerk of Cumberland County Court. He was a Royalist, fought with the Court party at the Westminster Massacre, so-called, was arrested and imprisoned and his property was confiscated.

The first printing press to be operated in Vermont, concerning which there is any definite knowledge, was set up in the town of Dresden in 1778, the year in which the State government of Vermont began its existence. Dresden included Hanover, N. H., and Dartmouth College, and at that time was claimed as a part of Vermont. The printers who settled here were Alden and Judah P. Spooner and Timothy Green, who had been conducting a similar business in Norwich, Conn., since 1773. One of the early acts of the Vermont Legislature was the designation of the Spooner brothers as State printers. It appears that President Wheelock of Dartmouth College invited Alden Spooner to locate in the vicinity of that institution. Judah Spooner and Timothy Green soon followed.

The Spooners took to Vermont a press on which was printed the first Vermont newspaper, which was the first printing press brought into North America north of Mexico. The facts concerning this valuable relic were assembled by the late Gen. Rush C. Hawkins, a native of Vermont and an authority on early printing, by Henry O. Houghton, the famous publisher, also a native of Vermont, and by Robert F. Roden in a book entitled "The Story of the First Printing Press in the United States."

Stephen Daye, the first American printer, established an office in Cambridge, Mass., in 1638 and purchased in England a small printing press. On this press the Bay State Psalm Book was printed, which is said to have been the first book printed in what is now the United States. This printing press was used by Stephen Daye's son and later by Samuel Green and his son, Timothy. A second Timothy Green formed a partnership with Alden and Judah P. Spooner. The press was taken first to Dresden (N. H.) and in 1781 to Westminster, the first Vermont newspaper being printed on it. After being discarded for many years the old press was purchased by L. O. Green of the *Woodstock Standard,* M. O. Perkins of the *Windsor Journal,* and one or two other Vermont printers, and given to the Vermont Historical Society. It is on exhibition in the Historical Society rooms at Montpelier, being its chief treasure.

The first Vermont newspaper was known as the *Vermont Gazette* or *Green Mountain Post Boy.* There is in the possession of the Vermont Historical Society No. 8 of volume 1 of this paper, bearing

date of April 2, 1781. If the paper was issued weekly, then the first number was printed February 12, 1781. A Vermont Almanack, printed in 1796, announced as a fact the statement that the first Vermont newspaper was printed December 14, 1780. There were so many delays in the issuing of newspapers during the early period of Vermont's existence that it is entirely possible that the date given may have been correct. The paper maintained a precarious existence for two years. In August, 1783, the press and type were removed to Windsor, where Alden Spooner and George Hough began the publication of the *Vermont Journal and Universal Advertiser,* using the old Daye press. Until his death in 1827, Alden Spooner was a well-known figure in Vermont affairs. This paper under different names and once transferred to Woodstock, still exists under the name of the *Windsor Journal.*

It is worthy of note that many of the earliest newspapers in Vermont, in the United States and in the world at large bore the name "Gazette." The term comes from a small Italian coin known as gazetta, the price for which some of the earliest newspapers were sold.

The Vermont Gazette or *Freeman's Depository,* Vermont's second newspaper, was established at Bennington in May, 1783, by Anthony Haswell, who was born in England and came to Boston in 1769 or 1770. He served as a printer's apprentice under Isaiah Thomas, one of the founders of the *Massachusetts Spy,* one of the most famous of early American journalists and a leader of the Revolutionary party. Thomas aided Paul Revere in spreading the information of the approach of British troops at Lexington, and a price was set upon his head. His type and press were sent to Worcester, Mass., where the paper was published for many years. For about a year, in 1777-78, Haswell conducted the *Spy,* until Thomas was ready to resume its management. For twenty-three years Haswell conducted the *Gazette,* most of the time under rather discouraging circumstances. There were frequent suspensions for brief periods, owing to lack of financial support, and the files will show that several fresh starts were made with Vol. 1, No. 1 appearing on the title page. Appeals for the payment of subscriptions overdue, for produce and for firewood, give some idea of the editor's troubles. On one occasion Haswell's house was burned. In 1792 he established *The Herald of Vermont* or *The Rutland Courier,* at Rutland. In about three months fire destroyed the office. The Legislature granted the right to raise the sum of two hundred pounds by lottery, but the venture did not prove profitable and the publication was not resumed. Twice, without success, Haswell tried to publish a monthly magazine. He was Postmaster-General of Vermont from 1784 probably until Vermont's admission

to the Union. He was also Clerk of the Vermont House of Representatives for several years.

In April, 1793, James Lyon of Fair Haven, son of Matthew Lyon, established *The Farmer's Library,* or *Vermont's Political and Historical Register,* at Rutland. Later Matthew Lyon established *The Fair Haven Gazette,* which was published by his son, James Lyon, and Judah P. Spooner.

One of the ablest Vermonters, either in the earlier or later periods of Vermont history, was Samuel Williams. When James Lyon sold *The Farmer's Library,* so-called, it was transferred to Judge Samuel Williams and Rev. Samuel Williams and the name was changed to the *Rutland Herald* or *Vermont Mercury.* Rev. Samuel Williams was the editor and the paper became a supporter of the Federalist party. The controversies between the *Vermont Gazette* and the *Rutland Herald* were spirited and at times somewhat personal. Mr. Williams was a grandson of Rev. John Williams, captured by the Indians at Deerfield, and was also a descendant of the famous Mather family.

In 1825 a young and awkward lad, whose parents lived at West Haven, answered an advertisement for an apprentice, printed by Amos Bliss of East Poultney in his paper, the *Northern Spectator* (established as the *Poultney Gazette* in 1822), and so, at the age of fifteen, Horace Greeley began his newspaper career in this little Vermont hamlet. For six months he worked for his board and for about four years thereafter he worked for $40 a year and his board. Most of his scanty earnings went to his bankrupt father. At a debating society in the East Poultney school house he made his first speech. Finally the paper suspended publication, and one June morning in 1830, with his first overcoat on his arm, given him by the man with whom he boarded, he started on foot for Pennsylvania, whither his father had preceded him. The Vermont Press Association has purchased the house at East Poultney in which Greeley learned the printers' trade.

During the period when Greeley was living in Poultney, a native of that town, a lad of about the same age, named George Jones, was employed in the same office and was an attendant at the same church frequented by the future editor of the *New York Tribune.* Jones was associated with Greeley on the *New Yorker* and on the *Tribune.* He aided Henry J. Raymond (a graduate of the University of Vermont in 1840) in founding the *New York Times* and assumed full control when Mr. Raymond died. It is related that he was offered five million dollars to refrain from publishing facts exposing the corruption of Tammany Hall in New York City affairs, but declined, saying: "I don't think the devil will ever make a higher bid for me than that." Mr. Jones made the *Times* one of the leading American newspapers. He died August 11, 1891, in his eightieth year.

The *Burlington Centinel* was first published at Burlington by J. H. Baker, March 14, 1801. The name was changed to *Northern and Burlington Centinel* (Sentinel), and with the exception of one lapse, the paper was published until 1869, during which time John G. Saxe was one of the editors.

The *Burlington Free Press* was established March 15, 1827, by Luman Foote. H. B. Stacy became associated with Mr. Foote in February, 1828, and in January, 1833, became sole proprietor until July, 1846, when D. W. C. Clarke became owner and editor. April 1, 1853, G. W. and G. G. Benedict became proprietors. The daily issue was begun in April, 1848, and up to 1868 was published as an evening newspaper. G. G. Benedict's connection with the paper continued until his death in 1907, or fifty-four years. Mr. Benedict was a prominent figure in the life of the State for many years, as soldier, editor, business man and public spirited citizen. A controlling interest in the paper was purchased in 1902 by W. B. Howe. J. L. Southwick, the managing editor, has been on the staff of the paper since 1884. In 1868 the *Burlington Times* was merged with the *Free Press* and the daily was known as the *Free Press and Times*. The *Burlington Times* had been started in June, 1858, by D. W. C. Clarke and in 1860 transferred to George H. Bigelow. The *Burlington Daily News,* an evening paper, was established by Joseph Auld in 1894.

The *Federal Galaxy* was started at Brattleboro in 1797 by Benjamin Smead and published until about 1802. In 1822 the *Brattleboro Messenger* was established by Alexander C. Putnam, and sold in 1826 to George W. Nichols, who had learned the printers' trade in the office of Isaiah Thomas at Walpole, N. H. In 1834 it was merged with the *Vermont Phœnix* and from 1852 to 1855 was known as the *Vermont Statesman*. The *Phœnix* is published as a weekly edition of the *Daily Reformer*. The *Reformer* was established as a weekly in 1876 by C. H. Davenport & Co. O. L. French became associated in the control of the *Phœnix* and later acquired the sole ownership, which he held until he sold it to W. E. Hubbard. Later the two papers were united, and the *Reformer* was made an evening daily.

The first newspaper at Bellows Falls was the *Intelligencer,* which was established in January, 1807, and edited by Thomas Green Fessenden, a lawyer and a Federalist. Mr. Fessenden continued to edit the paper until 1822, when he removed to Boston and established the *New England Farmer;* the paper was published until about 1835. The *Bellows Falls Gazette* was begun by John W. Moore and continued until 1851. The *Bellows Falls Times* was founded by O. H. Platt about 1851 and soon after purchased by A. N. Swain, who published it until 1888. It has been in the hands of various publishers, but for several years has been published and edited by W. C. Belknap.

In 1829 an Anti-Masonic paper was started at Chester. *The Northfield News* was established by George H. Richmond in 1879. This paper, which became very influential, was published by F. N. Whitney until his death and later purchased by F. T. Parsons, who had been business manager of the *Rutland Herald* and *Montpelier Journal* and later held the office of Sergeant-at-arms. The *Manchester Journal,* established in 1861, was published by D. K. Simonds for many years and later by O. R. Bennett.

In 1883, Lewis and Fisk established the *Morrisville News and Citizen,* the editor being L. H. Lewis. The *Morrisville Messenger* was started by J. E. Harris, a brilliant newspaper writer, and later bought by L. P. Thayer.

The National Opinion was established at Bradford in June, 1865, with A. A. Earle as editor. The name was changed to *Bradford Opinion* in 1874, and from 1876 to 1881 two papers by the name of *Bradford Opinion* were published. In the latter year the two papers were merged by H. E. Parker under the title of *United Opinion.*

A Methodist paper, the *Vermont Christian Messenger,* was established at Newbury in 1847. It was later published at Northfield and Montpelier, and discontinued some time in the eighties.

C. M. Chase, one of the most interesting characters in Vermont journalism, established the *Vermont Union* at Lyndon, February 1, 1865. It was continued as the *Union-Journal* by his son, John B. Chase.

The first Barre newspaper was the *Times,* which was published monthly during the year 1871. In December, 1880, L. P. Thayer established the *Barre Enterpriser* and in 1897 the *Barre Daily Times* was started by Frank E. Langley, now (1921) Mayor of Barre. The *Barre Telegram,* established in 1898 as an evening paper, was made a morning paper in 1905 and later discontinued.

The Vermont Statesman, published at Castleton from 1824 to 1855, was a Whig paper. In 1832 the *Green Mountain Eagle* was established at Castleton as an Anti-Masonic organ. It suspended publication with the decline of that party.

The first St. Johnsbury paper was the *Farmers' Herald,* established by Luther Jewett, July 8, 1828. The *Caledonian,* established in 1837, was for a long time published by C. M. Stone and later published and edited by Arthur F. Stone. It was purchased by W. J. Bigelow, who established a daily edition. William Dudley Pelley, a well-known writer of short stories, purchased it in 1918. Later it was sold to H. A. Smith. The *St. Johnsbury Republican,* started in 1885, was published as a daily from 1892 to 1894. In 1895 it was purchased by L. P. Thayer and later by C. T. Walter. In 1920 it was made the weekly edition of the *Caledonian.*

The first St. Albans paper, the *Adviser,* was published by Rufus Allen in 1807. This was followed by the *Champlain Reporter,* pub-

lished by Morton & Willard from April, 1809, until the spring of 1811. There was no paper published in Franklin county from that time until May, 1823, when Judah P. Spooner established the *Repository,* which he continued until April, 1836. The *Franklin Journal,* started in May, 1833, by Samuel N. Sweet as an Anti-Masonic paper, was published for a time by Joseph H. Brainerd and in December, 1837, sold to E. B. Whiting, who changed the name to the *St. Albans Messenger* and later in 1863 converted it into a daily. In 1871 he sold it to Clarke and Taylor, who had purchased the *Vermont Daily Transcript,* founded at St. Albans in 1868 by W. P. Davis, and who consolidated the two papers. Albert Clarke was sole editor and proprietor from 1873 until 1880, when the *Messenger* was consolidated with the *Advertiser,* which had been established in 1874 as a semi-weekly and made a daily in 1878. From 1886 to 1892 the *Messenger* was published by Warren Gibbs and since that time by the Messenger Company. For several years Col. George T. Childs was editor; Frank L. Greene became assistant editor in 1899 and later editor, holding the position until his election to Congress in 1912; John T. Cushing is now editor (1921).

In January, 1807, the *Danville North Star* was established by Ebenezer Eaton. It was long an influential paper and suspended publication in 1891. About the period of the War of 1812 Joseph Dix conducted a printing office at Barnard for several years. His daughter, Dorothy Dix, famous later as an author and philanthropist, lived here as a young girl.

The first newspaper in Montpelier, *The Precursor,* was established by Clark Brown in 1806 and in the summer of 1807 was sold to Samuel Goss, who changed the name to the *Watchman.* In 1810 the *Watchman* was purchased by Mark Goss and Ezekiel P. Walton, the latter becoming sole proprietor about 1817. Upon the death of the Anti-Masonic party, its organ, the *State Journal,* was absorbed and the title was changed to the *Vermont Watchman and State Journal.* The paper remained in the control of the Walton family until it was sold to J. and J. M. Poland in 1868. During the Civil War and during legislative sessions daily editions were published. The *Montpelier Daily Journal* was established in 1897 with Arthur Ropes as editor, the *Watchman* being the weekly edition of the *Journal,* which was later made a morning paper. Both the *Watchman* and the *Journal* have been discontinued. The *Watchman* was both Federalist, Whig and later Republican. Under E. P. Walton the *Watchman* was a power in Vermont affairs.

The *Freemen's Press,* a Democratic paper, was established at Montpelier, August 25, 1809, by Derrick Sibley and later was published by Wright and Sibley. It was afterward suspended and no Democratic paper was published in Montpelier until 1826, when Hon.

Isaac Hill of Concord, N. H., a famous politician, established the *Vermont Patriot and State Gazette,* George W. Steele, being manager and Horace Steele, editor. In July, 1851, Charles G. Eastman, the poet, became owner and editor of the *Patriot,* holding this position until his death, September 16, 1860. After Mr. Eastman's death the *Vermont Patriot* was published for a time by his estate and later by E. M. Brown, until the fall of 1861, when publication was suspended. In February, 1863, it was resumed by Hiram Atkins, who had established the *Bellows Falls Argus* in December, 1853. He now moved his publication to Montpelier and called it the *Argus and Patriot.* The paper became successful and was a pioneer in its field, having a large list of items from many towns. The paper was aggressively Democratic and Mr. Atkins was influential in State and national Democratic councils. He was active in securing Hancock's nomination for the Presidency in 1880. Dr. Talcott Williams, formerly head of the Columbia University School of Journalism, has used the incident to illustrate the power which the editor of a small newspaper may wield. The *Daily Argus* was established in 1897.

The *Green Mountain Freeman* was established at Montpelier in 1844 by Joseph Poland as the organ of the Liberty party. It was at one time owned by D. P. Thompson, author of "The Green Mountain Boys," and in 1861 was purchased by C. W. Willard, by whom it was edited and published until 1869. Mr. Willard was Secretary of State from 1855 to 1856 and was elected to Congress in 1868, where he served three terms. The *Freeman* was published by J. W. Wheelock and later by H. R. Wheelock, the publication being suspended in 1885.

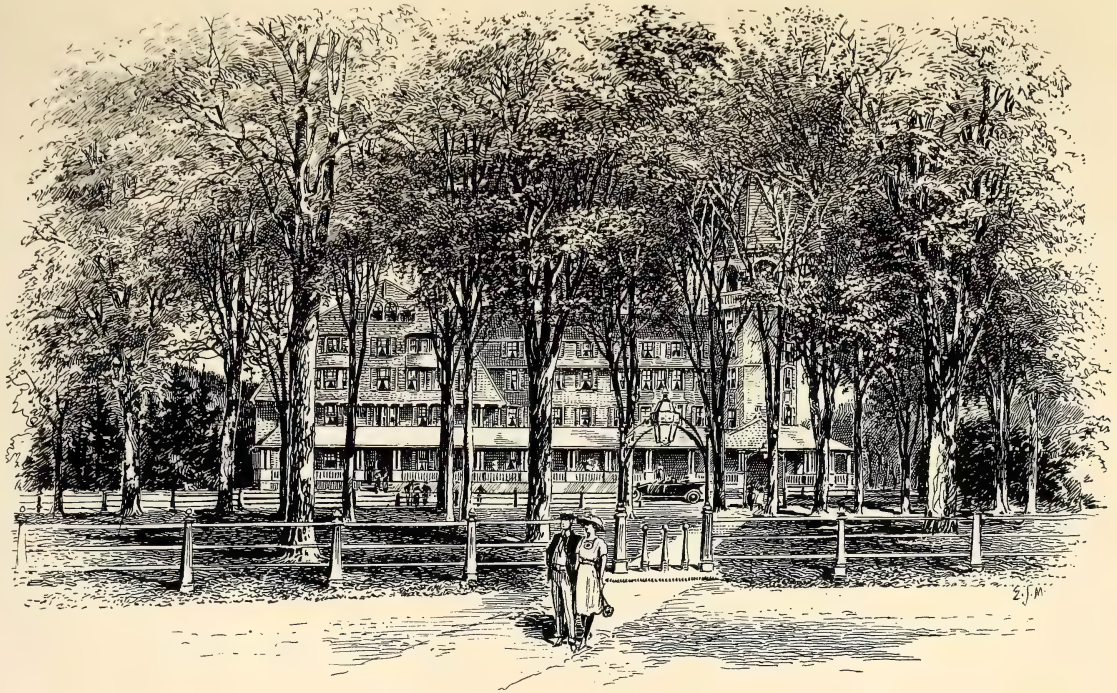
In August, 1798, Samuel Chipman established the *Vergennes Gazette* and in 1838 Rufus W. Griswold started the *Vergennes Vermonter,* which is still published. *The Vergennes Enterprise,* established in 1900, was consolidated with the *Vermonter* in 1901.

The *Middlebury Mercury* was published from 1801 to 1810.

Dr. Thomas E. Powers did editorial work on the *Vermont Mercury,* published at Woodstock. He was editor of the *Vermont Temperance Standard,* established in 1853, which later became a local paper, the *Vermont Standard.* Doctor Powers was elected Speaker of the House in 1850 and in 1857 was made superintendent of the construction of the State House, carrying the work to completion. He had great powers of leadership, although he was pugnacious and domineering. Gilman, in his "Bibliography of Vermont," says of him:

" 'Tom' Powers was one of the most remarkable men the State of Vermont has produced. * * * Doctor Powers' best place was in public debate. Of commanding stature and presence and with a voice of remarkable power, he was able to crush most opponents by mere denunciation; and being able to reason clearly and rapidly, an adept

WOODSTOCK INN, WOODSTOCK, VT.



Woodstock Inn, Woodstock

at appealing to the prejudices of men, quick at retort and strong in sarcasm, he was an antagonist feared by all. Other men have accomplished more in Vermont legislation, but certainly no man ever approached him in effectiveness on the floor of the Vermont House. * * * Other men have been more successful in politics in the State, but while on the summit of the temperance wave he had done so much to create, he probably had the strongest personal following ever known in Vermont. It was said that, single handed, he made Ryland Fletcher Governor in 1856."

The *Bennington State Banner* was established in 1841 and the *Bennington County Reformer* was published from 1881 to 1883 by R. P. Childs and later by J. H. Livingston. H. L. Stillson was editor of the *Banner* for many years. In 1903 Frank E. Howe purchased both papers, consolidated them and established an evening daily, of which he is editor. Mr. Howe has been Speaker of the House and Lieutenant-Governor.

The *Burlington Suburban List* was established at Essex Junction in 1891 by L. M. Hays and L. P. Thayer. It is now (1921) operated by Milo C. Reynolds.

The *Newport Express and Standard,* of which David M. Camp was editor and publisher for nearly twenty-five years, was established in 1864; D. W. Hildreth was also the editor and publisher for a long time.

The *Enosburg Standard* was established in 1874.

In 1874 the *Randolph Herald* was established. For many years Luther B. Johnson has been editor and publisher. Mr. Johnson has served in the State Senate and is now (1921) chairman of the State Board of Education.

The *Orleans County Monitor* was established at Barton by George H. Blake about 1871 and later was purchased by Wallace H. Gilpin, who has been a member of the State Board of Education.

The *Vermonter,* a monthly illustrated magazine, was established at St. Albans in August, 1895, by Col. C. S. Forbes. It was later sold to Charles R. Cummings and removed to White River Junction.

The *Household,* established at Brattleboro in 1868, was developed by George E. Crowell into a magazine for women. It attained a very large circulation and was sold to a Boston concern in 1891.

For a brief time, from October 5, 1828, to March 27, 1829, William Lloyd Garrison, later a famous anti-slavery leader, edited *The Journal of the Times* at Bennington.

James R. Spaulding, a native of Montpelier and a graduate of the University of Vermont in the class of 1840, was associate editor of the *New York Courier and Enquirer,* James Watson Webb's newspaper, in the fifties, and in 1859 or 1860 was one of the founders of

the *New York World.* Mr. Spaulding was later an associate editor of the *New York Times.*

A classmate of Mr. Spaulding in the University of Vermont was Henry J. Raymond, and while in college he began to write for Horace Greeley's *New Yorker.* When the *New York Tribune* was founded Raymond became associate editor. He is said to have been the swiftest long-hand writer in the newspaper profession at that time and Daniel Webster preferred to have his speeches taken by Raymond if possible. Raymond was an able orator and held many public positions, among them Speaker of the New York Assembly, Lieutenant-Governor of New York and member of Congress. He is best known, however, as the founder of the *New York Times* in 1851. He married Miss Weaver of Winooski.

Wilbur F. Storey, a native of Salisbury, in his time was one of the most widely known editors in the Middle West, and was the founder and long time editor and owner of the *Detroit Free Press.*

Among former Vermonters prominent in the newspaper world are Andrew J. Aikens, a native of Barnard, long editor and manager of the *Milwaukee Evening Wisconsin,* and originator in 1864 of the "patent inside" for newspapers.

Luther Tucker, born in Brandon, publisher and editor of the *Rochester Union and Advertiser* and founder of *The Country Gentlemen.*

Charles B. Murray, also born in Brandon, founder and editor of the *Cincinnati Commercial Review,* pork and crop statistician and superintendent of the Cincinnati Chamber of Commerce.

George P. Rowell, a native of Concord, founder of the first advertising agency in the United States, who published the first newspaper directory in 1867 and established the well-known publication known as *Printer's Ink.*

Jay B. Benton, born in Guildhall, long a member of the editorial staff of the *Boston Transcript.*

Charles Whiting Baker, a native of Johnson and an alumnus of the University of Vermont, long editor-in-chief of the *Engineering News.* His brother, Moses N. Baker, also a graduate of the University, has been editor of the *Engineering News-Record.*

Joseph H. Barrett, born in Ludlow, editor of the *Cincinnati Gazette* and United States Commissioner of Pensions, 1861-1868.

Charles M. Thompson, born in Montpelier, a son of D. P. Thompson, the author, for several years editor-in-chief of the *Youth's Companion.*

Charles Kellogg Field, also a native of Montpelier, editor of the *Sunset Magazine* at San Francisco.

Charles S. Gleed, born in Morristown, lawyer, banker, former editor of the *Denver Daily Tribune* and president of the *Kansas City Journal* corporation.

Henry Mills Alden, born in Mount Tabor, who became managing editor of *Harper's Weekly* in 1864 and for over fifty years was editor of *Harper's Magazine.*

Everett Chamberlain, a native of Newbury, at various times was editor of the *Milwaukee Sentinel,* the *Chicago Tribune* and the *Chicago Times.*

John E. Wheeler, born in Newfane, long associated with Horace Greeley in publishing the *New York Tribune* and later editor of the *Chicago Tribune.*

Frank Gilbert, born in Pittsford, successively editor of the *Dubuque Times,* the *Chicago Evening Journal,* the *Chicago Inter-Ocean* and the *Chicago Tribune.*

Burges Johnson, a native of Rutland, on the literary staff of *Harper's,* later assistant editor of *Everybody's Magazine,* editor of *Outing* and later president of the publishing firm of Thompson, Brown and Co.

Charles G. Whiting, a native of St. Albans, long literary editor of the *Springfield Republican.*

Frederic W. Pangborn, also born in St. Albans, at one time editor of *Godey's Magazine.*

Rev. Charles H. Parkhurst, born in Sharon, for a considerable period editor of *Zion's Herald.*

Warren B. Ewer, born at Windsor, founder and editor for thirty years of the *San Francisco Mining and Scientific Press.* He is said to have induced Henry Wilson to enter public life and John B. Gough to begin his career as a lecturer.

To these names should be added those of Lucius Bigelow, former editor of the *Portland Oregonian,* and William H. Field, son of Hon. Henry F. Field of Rutland, business manager of the *Chicago Tribune* from 1909-1917, vice-president and general manager of that paper during the absence of Col. Robert McCormick and Capt. Joseph Patterson in the war during 1917 and 1918, and later its general Eastern representative, with headquarters at New York.

Bert Leston Taylor, formerly employed on Brattleboro and Montpelier papers and editor of the Barre paper, was well known as the author of a popular "Line o' Type or Two" column.

Clifton L. Sherman, born at Brattleboro, for many years was managing editor of the *Hartford Courant.*

Henry Conland, son of the late Dr. James Conland of Brattleboro, a former employee of the *Brattleboro Reformer,* became business manager of the *Hartford Courant.*

William T. Porter, born in Newbury, employed by Horace Greeley; in 1851 founded and for twenty-five years edited *The Spirit of the Times,* the first sporting paper in America.

VERMONT NEWSPAPERS IN 1921

Following is a list of Vermont newspapers and their editors in 1921:

Daily Newspapers:

Barre Times, D. A. Perry; Frank Langley, publisher.
Bennington Banner, Frank E. Howe.
Brattleboro Reformer, W. J. Bigelow; Ephraim Crane and H. C. Rice, publishers.
Burlington Free Press, J. L. Southwick; W. B. Howe, publisher.
Burlington News, John H. Lawton.
Montpelier Argus, Morris F. Atkins.
Rutland Herald, Howard L. Hindley.
Rutland News, D. G. Babbitt.
St. Albans Messenger, John T. Cushing.
St. Johnsbury Caledonian, Arthur F. Stone; Herbert A. Smith, publisher.

Weekly Newspapers:

Barton Monitor, W. H. Gilpin.
Bellows Falls Times, W. C. Belknap.
Bradford Opinion, H. E. Parker.
Brandon Union, R. C. Flood.
Bristol Herald, M. W. Wilson.
Essex Syndicate, M. C. Reynolds.
Essex County Herald, Harry W. Osborne.
Enosburg Falls Standard, E. J. Tyler and D. A. Rose.
Fair Haven Era, John Metcalf.
Groton Times, Bert Heath, Jr.
Hardwick Gazette, J. E. Appolt.
Ludlow Tribune, J. W. Sault.
Lunenburg Times, H. H. Sanderson.
Lyndonville Union-Journal, John B. Chase.
Manchester Journal, O. R. Bennett.
Middlebury Register, C. E. Crane.
Morrisville News and Citizen, L. H. Lewis.
Morrisville Messenger, L. P. Thayer.
Northfield News, F. T. Parsons.
Poultney Journal, C. W. Humphrey.
Randolph Herald and News, L. B. Johnson.

Richford Gazette, M. J. Maloney.
Richford Journal, C. L. Reed.
South Londonderry Sifter, G. C. Dixon.
Springfield Reporter, Georgia White; F. D. Johnson, publisher.
Swanton Courier, J. H. Tomson.
Vergennes Enterprise and Vermonter, W. H. Wheeler.
Waterbury Record, H. C. Whitehill.
White River Junction Landmark, L. V. Chew.
Deerfield Valley Times (Wilmington), F. J. Brabston.
Woodstock Standard, W. H. Moore.
The Vermonter, C. R. Cummings.

VERMONT ARTISTS

WILLIAM L. PICKNELL

WILLIAM L. Picknell was born in Hinesburg, in 1854. He was aided by his uncle, Daniel S. Ford of Boston, in securing an art education. He studied with George Inness at Rome for two years, living in the artist's home. Later he studied at the Ecole des Beaux Arts in Paris, under Gerome, and with Robert Wylie in Brittany. Picknell was famous for his brilliant light effects, and rich color, and also for shimmering mists in his gray marine pictures. He was a member of the Society of American Artists, and the Society of British Artists. He won medals at Boston in 1881 and 1888. His principal works include: "Route de Concarneau" (1880) and "En Province," in the Corcoran Art Gallery at Washington; "Borders of the Marsh" (1880), Academy of Fine Arts, Philadelphia; "Morning on the Loire" and "Coast of Ipswich" (1882), in the Boston Museum of Fine Arts; "Borders of the Loing" and "Bleak December," Metropolitan Museum, New York; "Wintry March," Walker Gallery, Liverpool, England; "Morning on the Mediterranean," Luxembourg Gallery, Paris; "Toiler of the Sea," Carnegie Institute, Pittsburg.

The artist died in 1897.

WILLIAM MORRIS HUNT

William Morris Hunt was a member of a distinguished Vermont family being the son of Congressman Jonathan Hunt and the grandson of Lieut.-Gov. Jonathan Hunt. His brother, Richard M. Hunt, was a famous architect. He was born at Brattleboro, March 31, 1824. He attended the public schools and entered Harvard College but did not complete his course. The routine work was not to his liking and a threatened attack of tuberculosis induced his mother to take the family to Europe. He studied painting in the Acadmey at Dusseldorf, and later went to Paris, where he studied for five years, being one of the favorite pupils of Couture. Afterward he became the friend and follower of Millet. He returned to America in 1855 and opened a studio in Boston.

His most ambitious works were the "Flight of Night" and "Discovery," colossal decorations in the New York Capitol at Albany. Among his most important pictures were "The Boy and the Butterfly," "Head of a Jewess," "Sheep Shearing at Barbizon," "The Farmer's Return," "The Fortune Teller" and "The Prodigal Son." The Boston Museum contains "Girl with a Kitten," "Girl Reading," "Peasant Girl

CHARLES S. CAVERLY

Born in Troy, N. H., September 30, 1856. He graduated from Dartmouth College in 1878 and from the College of Medicine of the University of Vermont in 1881, where he was class leader and won three prizes. After a year and a half of post-graduate work in New York, he located in Rutland in 1883 and made a specialty of diseases of the throat and lungs. He was an assistant surgeon of the Vermont National Guard, attending physician of the Rutland Hospital, consulting physician of the Proctor Hospital, a trustee of the Vermont Tuberculosis Sanatorium, president of the Vermont State Medical Society (1892) and a director of the American Public Health Association. In 1890 he was made a member of the State Board of Health and was its president from 1891 until his death. He performed the duties of this responsible position with great efficiency. He was also professor of hygiene in the College of Medicine of the University of Vermont, and was given the honorary degree of Doctor of Science by that institution. He was an authority on infantile paralysis and was the author of the first report on this disease made to the medical profession of the country. He published many articles on this subject and through his efforts money was contributed for research work. He made several trips to Europe for the purpose of studying methods of sanitation and health. He was associated with the most eminent specialists in America in the study of tuberculosis and infantile paralysis. When the influenza epidemic of 1918 visited Vermont, Doctor Caverly, as president of the State Board of Health, took personal charge of the efforts to combat this plague. His efforts overtaxed his strength and he fell a victim to the disease, dying October 16, 1918. In 1885 he married Mabel A. Tuttle of Rutland. One son, Harley T., died in 1910, aged twenty-three years.

Charles S Cavanagh

at Barbizon," "Marguerite" and "Hurdy Gurdy Boy" by Mr. Hunt. In the Metropolitan Museum at New York are "The Bathers" and "Girl at the Fountain," by the same artist. Among his best known landscapes are, "Gloucester Harbor," "Magnolia, Mass,", and "Dead in the Snow." He held high rank as a portrait painter, and among his best known portraits were those of Chief Justice Shaw of Massachusetts and William M. Evarts.

He died in 1879.

THOMAS WATERMAN WOOD

Thomas Waterman Wood was born in Montpelier, November 12, 1823. It is said that he was first attracted to the life of a painter by a travelling artist, who painted portraits of Montpelier citizens. He studied in the studio of Chester Harding in Paris for a short time. In 1850 he married Minerva Robinson of Waterbury, and in the same year built a summer home on a Montpelier hillside, on the Northfield road, and named it "Athenwood." During the next four years he painted portraits in Canada, Washington and Baltimore. In 1858 Mr. and Mrs. Wood went to Europe and the artist studied for two years in the galleries of London, Paris, Florence and Rome. Returning to this country, he painted portraits in Nashville and Louisville, and in 1866 opened a studio in New York City as a figure painter. He was elected an associate of the National Academy of Design in 1869 and an Academician in 1871. In 1878 he was elected President of the American Water Color Society, and held the office until 1887. In 1879 he was chosen Vice-President of the National Academy of Design, holding the position until he was elected President, in 1891.

Many of the figures for Mr. Wood's pictures were persons living in or near Montpelier. "The Village Post-Office" represented the interior of a store at Williamstown, Vt. A tin peddler living in Calais, Vt., was the model for "The Yankee Peddler." A long search was made for a suitable model for "The Country Doctor," and, through the efforts of Secretary of State, George Nichols, an ideal choice was made in the person of Dr. Joel Holton of Jamaica, then a Representative in the Legislature.

Mr. Wood made many copies from Old Masters. Among his best known pictures were "The Contraband," "Recruit and Veteran," "The Quack Doctor," "White Rats," "The Return of the Flag," and "Coffee Sir."

Mr. Wood left to Montpelier a splendid gift, the Wood Art Gallery, which contains many of his paintings and his copies of famous pictures. He died April 12, 1903.

ROBERT GORDON HARDIE

Robert Gordon Hardie was born in Brattleboro, March 20, 1854. He studied at Cooper Institute, the Academy of Design, the New York Art League, and for five years was a pupil of Gerome at the Ecole des Beaux Arts in Paris. Later he studied with Cabanel. In 1888 he exhibited a full length of David Dudley Field at the National Academy in New York. He painted portraits of Gov. Levi K. Fuller, Senator Redfield Proctor, Chief Justice Morton, President Eliot of Harvard, his wife, who was a daughter of Senator Cullom of Illinois, and his mother.

JULIAN SCOTT

Julian Scott, a well known painter of war scenes, was born in Johnson, February 14, 1846. He served in the Union army from 1861 to 1863, and while in service made studies of field and hospital life. He entered the National Academy in 1863 and studied under Emmanuel Leutze. He was made an Associate of the National Academy of Design in 1871. Among his famous pictures are the "Rear Guard at the White Oak Swamp," owned by the Union League Club of New York; "The Battle of Cedar Creek," a great canvas which covers the greater part of one side of the reception room in the Vermont State House; "In the Cornfield at Antietam," "The Blue and the Gray," "Battle of Golding's Farm," "Charge at Petersburg," "The Death of General Sedgwick," and "Duel of Burr and Hamilton." He died July 4, 1901.

THEODORE ROBINSON

Theodore Robinson, a portrait and landscape painter, was born in Irasburg in 1852. He was awarded the one thousand-dollar Shaw prize for his "In the Sun," and his "Winter Landscape" took the Webb prize.

GEORGE T. TOBIN

George T. Tobin was born in Weybridge, Vt., July 26, 1864, was educated in the public schools of Middlebury and St. Albans, and studied in the Art Students' League under George DeForest Brush. He has been a portrait painter since 1898. His residence is in New Rochelle, N. Y.

RACHEL ROBINSON ELMER

Rachel Robinson Elmer was the eldest child of Rowland Robinson, the well known Vermont author. She inherited artistic ability from both her father and her mother. She studied under Ernest Kneufft in New York and later at the Art Students' League, where her teachers were Kenyon Cox, Childe Hassam and Appleton Clark. She furnished illustrations for *The Youth's Campanion* and several well known publishing houses, and in 1910 went abroad for a year's study. In 1911 she married Robert F. Elmer of New York. She began her work as a book cover designer, but it was as an illustrator of books that she was best known. Among the books which she illustrated were "John Bunyan's Dream Story" and "Dutch Fairy Tales." She was commissioned by a New York house to make twelve water color paintings of New York City scenes, and from these were made a series of post cards in color, said to have been the most beautiful pictures of their kind done in America. Her untimely death, February 12, 1919, ended a career of much promise.

VERMONT ARCHITECTS

RICHARD M. HUNT

RICHARD M. Hunt was born at Brattleboro, October 31, 1828. He graduated from the Boston High School and went to Europe with his mother and brother, William Morris Hunt. He studied architecture in Switzerland in 1844-45, and later entered the Ecole des Beaux Arts at Paris. He travelled for several years, and returning to Paris, was given a government position in the construction of buildings connected with the Tuileries and the Louvre. He returned to America in 1855 and opened an atelier in New York. He was invited to assist in the completion of the Capitol at Washington and for six months was assistant to the architect in charge of the work. He soon achieved a high position, ranking as one of the greatest American architects. It was said that he divided with H. H. Richardson supremacy in architectural inspiration.

The beautiful Administration Building, the center of the architectural plan of the World's Columbian Exposition at Chicago, was the work of Mr. Hunt. For this achievement he received the gold medal of the Royal Institute of British Architecture, one of the chief prizes of architectural merit in the world. Among his important works were the Lenox Library, the Presbyterian Hospital, the Coal and Iron Exchange, the Tribune Building, the Vanderbilt Mausoleum, the pedestal for the Statue of Liberty, the entrance to Central Park and several fine residences, including those of Levi P. Morton, H. G. Marquard and Ogden Goelet, in New York; also the residence of George W. Vanderbilt at Biltmore, N. C., W. K. Vanderbilt's Marble House at Newport, R. I., several college buildings at Princeton and Yale, the Yorktown Monument, the United States Naval Observatory at Washington and the Fogg Art Museum at Cambridge, Mass.

He was President of the American League of Architecture. Death came July 31, 1895.

WILLIAM R. MEAD

William R. Mead, a brother of Larkin G. Mead, the sculptor, was born at Brattleboro, August 20, 1846, and graduated from Amherst College in 1867. He studied architecture with Russell Sturgis, Jr., in New York and spent two years in study in Europe. Upon his return to America he became a member of the firm of McKim, Mead and White, which became one of the most famous architectural firms in

the United States, being architects for Columbia University, the University of the City of New York, the University of Virginia, the Boston Public Library, the Metropolitan, University and Century Clubs, and many private residences. Other structures designed by this firm are Madison Square Garden, the New York Life Insurance Company and the *New York Herald* buildings, the Rhole Island Capitol and the Agricultural and New York State buildings at the Columbian Exposition held at Chicago. In 1910 he was chosen a member of the National Academy of Design, and was awarded the gold medal of honor by the National Institute of Arts and Letters. He has been President of the American Academy at Rome.

VERMONT SCULPTORS

HIRAM POWERS

HIRAM Powers was born in Woodstock, Vt., July 29, 1805. His father lost his property as a result of becoming surety for a friend and soon after died. The young lad was employed as boy of all work in a tavern, sold newspapers, and aided a watchmaker, in an effort to earn money, sorely needed for the support of the family. When it was possible to leave home he went to Cincinnati, where he secured employment at the Barnum Museum. A Chamber of Horrors was a feature of the place and Powers was able to devise many ingenious mechanical effects. This work led him to the modeling of busts in clay. His skill was observed by Edward Everett and Nicholas Longworth, and they made it possible for him to go to Italy in 1833. Florence became his home. Business came to him and with it fame.

Among his best known works were "Eve," "The Greek Slave," "Proserpine," "Indian Girl," "Il Penseroso," "California," "America," "Genevra," "Daniel Webster" for the State House grounds at Boston. "Benjamin Franklin" for the Capitol at Washington, and busts of George Washington, Thomas Jefferson, John Marshall, John C. Calhoun, John Quincy Adams, Andrew Jackson, Martin Van Buren, Gen. P. H. Sheridan and others. He died June 27, 1873.

The sculptor completed eight copies of "The Greek Slave," so great was its popularity.

LARKIN G. MEAD

Larkin Goldsmith Mead was born in Chesterfield, N. Y., January 3, 1835, but removed to Brattleboro at an early age. He studied in the village schools and at the age of fifteen became a clerk in a hardware store. He developed a love for art, and on the last night of the year 1856, on a street corner of Brattleboro, aided by his sister Eleanor, afterward Mrs. William Dean Howells, he modelled a colossal statue of "The Recording Angel" in snow. This work attracted much attention, mention being made of it in newspapers throughout the country. He studied drawing and sculpture with Henry Kirke Brown of Brooklyn for two years. During the first year of the Civil War he furnished war illustrations for *Harper's Weekly*. He went to Italy in 1862 and was associated for a time with his brother-in-law, W. D. Howells, in the United States Consulate at Venice. Florence, however, became his home. His best known works include the statue of "Ceres," surmounting the dome of the Vermont State Capitol; the

HENRY CRAIN TINKHAM

Born in Brownington, Vt., in 1856. He studied in the public schools and at Derby Academy and graduated from the College of Medicine of the University of Vermont in 1883. He took post-graduate work in New York and travelled in Europe. He located in Burlington for the practice of his profession and has become one of the foremost surgeons in the State. He has been a member of the teaching staff of the College of Medicine of the University of Vermont since 1889. He was a demonstrator of anatomy from 1884 to 1890, adjunct professor of anatomy from 1890 to 1894, professor of anatomy from 1894 to 1911, professor of clinical surgery since 1904 and dean of the College of Medicine since 1898. During the World War he was a member of the State Draft Board. He was a member of the Burlington Board of School Commissioners for eight years and its chairman for four years.

A. C. Chitham M.D.

statues of "Ethan Allen" on the portico of the Vermont Capitol and in Statuary Hall at Washington, the Lincoln statue at Springfield, Ill., in which the President is represented as sitting in an arm chair, signing the Emancipation Proclamation, and the Soldiers Monument at St. Johnsbury, Vt. Other well known works are "The Returned Soldier," "Echo," "La Contadinella," "Sappho," "Venice," "The Mississippi River," "Columbus' Last Appeal to Queen Isabella," "Cavalry," "Infantry," "Artillery," and "Navy." A pediment sixty feet long, representing "The Return of Proserpine from the Realms of Pluto," was over the main entrance to the Agricultural Building at the World's Fair at Chicago. He produced busts of W. D. Howells, John Hay, Henry James, and one of Lincoln which is in the State House at Montpelier, the gift of Mrs. Mead. The sculptor died October 15, 1910.

HERBERT ADAMS

Herbert Adams was born at Concord, Vt., in 1856. He studied at the Massachusetts Manual Art School and was a pupil of Mercie at Paris. He received awards at the Chicago, Paris, St. Louis and San Francisco Expositions, the medal of honor of the Architectural League in 1915 and a prize from the National Academy in 1916. He is a member of the United States Commission in Fine Arts and President of the National Academy of Design.

VERMONT LIBRARIES

By Rebecca W. Wright

LIKE other colonies, Vermont started her first libraries fairly soon after her early settlers had had time to "settle." The earliest known association library, of uninterrupted life to date, is the Brookfield Library Association, started "to promote useful knowledge and piety" in 1791. The books were auctioned off quarterly, each shareholder being allowed to take as many books as he was willing to pay for. In 1916 Brookfield celebrated the one hundred twenty-fifth anniversary of her library, which had become a free library with town support.

Bradford boasts the first incorporated library, 1796; Middlebury College began its collection in 1800; the Williamstown Social Library, with auctions at quarterly meetings like her Brookfield neighbor, dates from 1801; the Peacham Juvenile Library Association was started in 1810 by Thaddeus Stevens and other pupils of the Caledonia County Grammar School at Peacham; the State Library at Montpelier was begun in 1825. Doubtless many others were started during these early years, but those above named are of continuous life to date. Most of the rules were strict, with many and various fines for mishandling books, specifying pencil marks, grease spots, etc., etc.

An unusual example of intercommunity work has recently come to light, in which towns in New Hampshire and Vermont shared the benefits of a library: in 1860 leaders in Hanover, Wentworth, Haverhill, Orford and Lyme, N. H., and Bradford and Newbury, Vt., invited surrounding towns to form a "Division or Branch" of the People's Circulating Library Association, under the care of A. B. Palmer of Orfordville, N. H. The library of 1,100 volumes was to be "distributed among the several divisions, according to the number of members in each" and "exchanged, entirely or in part, once in every three months." It would be interesting to know how this "branch library" cooperative arrangement worked out, and whether there was anything similar started before 1860 in any other State.

In 1893 the total number of libraries in the State was 59, of which comparatively few were free. The State needed aid in the spread of free books and the development of up-to-date and active town libraries.

Through the influence of public-spirited citizens of St. Johnsbury in 1894 the Legislature passed a law establishing the Board of Library Commissioners (now known as the Free Public Library Commission): five members, without pay, the large sum of $300 for necessary expenses, and the power to give $100 in books to each town desiring to establish a free town library and complying with the laws as to mini-

mum appropriation, election of trustees, etc. Vermont was the fifth State in the Union to establish such a commission. As a result, forty-one towns applied for this State gift in 1895, and nineteen in 1896. In the following years the numbers applying necessarily diminished, varying from thirteen to one.

The next step, with the help of the Vermont Federation of Women's Clubs, was to start a system of "traveling libraries" for communities too small to support town libraries. Eleven collections of books were given by Federated clubs in 1900, each collection put in a box with the club name on it; and sent forth on its travels. The State Legislature also gave an annual appropriation of six hundred dollars for more books in this department. The following year (1901) the commission owned twenty-seven traveling libraries. In 1920, it has 284 libraries ("General," "School," and "Study Club" collections), 14,130 pictures, 17,151 books, with a total circulation (for the year ending March, 1920) of 736 collections of all kinds. This demand keeps the staff busy. The annual allowance for books, pictures, and binding in this Traveling Library department (June, 1920) is $1,400.

In 1907 the Legislature voted $1,000 per year for aid in books to active town libraries, for which they should apply annually. Two years later this was increased to $1,500. The average number of libraries each year to which this aid has been given is sixty. In 1911 another department (the first of its kind in any State) was established: $500 for books to be placed in four State institutions, and $200 annually thereafter. Vermont beat a Middle-Western State by a few days in passing this act.

At the request of Chaplain John M. Thomas (President of Middlebury College) the Commission in 1916 was the first State to supply its soldiers in Texas with reading matter. These 265 books were used also by men from Kansas, Tennessee, and Maryland.

Vermont raised nearly $17,000 for American Library Association "war service" work in camps and hospitals in 1917. And in 1918, in the campaign to secure gift books, the Secretary of the Free Public Library Commission as State Chairman collected 23,832 books, given by individuals and libraries. Fort Ethan Allen was supplied, through the Y. M. C. A. huts and a collection in charge of the chaplain. The Secretary was appointed also Library Publicity Director for Vermont in the food conservation campaign.

More and more towns instinctively turn to the Commission for help and advice. More and more schools (both rural and city) depend upon it for attractive and instructive children's books, pictures, aid in high school essays and debates, and general reference work. More and more women's clubs rely upon it for help in their program work.

The Vermont Library Association, a club for librarians, library trustees, and all others interested in library work, was formed in 1894, and reorganized in 1903. Since the latter date it has held annual meetings of a day or two in length, cooperating with the Free Public Library Commission in its yearly program; and several years the two have held a 2-5-day institute for librarians. It has also endeavored to promote library interests in rural sections by district meetings. The Vermont Library Association has done excellent work in joining more closely schools and libraries throughout the State. Its membership (in 1920) was about 76.

The Vermont Commissioner of Education has given generous support to all library development and the spread of good books.

The number of library buildings has slowly but surely increased; and Vermont has several of which she may well be proud as excellently designed for their purpose and beautiful in appearance.

TRANSPORTATION

SKETCHES of the beginnings of Vermont railroads have been given in the narrative portion of this work, but brief summaries of various railroad companies are given herewith.

CENTRAL VERMONT RAILWAY

The Central Vermont Railway system is made up of the Central Vermont Railway, the New London Northern Railroad, the West River Railroad and the Bethel Granite Railway. It operated 422.9 miles in the United States from New London, Conn., to the Canadian Vermont line and Rouses Point, N. Y.

The records of the corporation show that the Vermont Central Railroad Company was incorporated October 31, 1843. Books were opened for stock subscriptions October 29, 1844, and directors were elected at the first meeting of stockholders, held July 23, 1845. The line from White River Junction to Bethel was opened June 26, 1848; from Bethel to Roxbury, September 17, 1848; from Roxbury to Northfield, October 10, 1848; from White River Junction to Windsor, February 13, 1849; from Northfield to Montpelier, June 20, 1849; from Montpelier Junction to Middlesex, August 30, 1849; from Middlesex to Waterbury, September 29, 1849; from Waterbury to Burlington, December 31, 1849.

The Vermont Central was operated by the corporation from June 26, 1848 to June 28, 1852; from June 28, 1852 to July 1, 1855 by trustees for the holders of the first mortgage bonds; from July 1, 1855 to May 6, 1856, by the Vermont & Canada Railroad Company, under terms securing the lease of that company by order of the Chancery Court of Franklin County, Vt., issued May 17, 1855; from May 6, 1856 to July 13, 1861, by receivers appointed by decree of the Chancery Court of Franklin County; from July 13, 1861 to August 16 1867, by receivers appointed by decree of the Chancery Court of Franklin County; from August 16, 1867 to June 30, 1873, by a board of managers and receivers appointed by the Chancery Court of Franklin County; June 30, 1873 to June 30, 1884, by the Central Vermont Railroad Company as receivers and managers appointed by the Chancery Court of Franklin County; June 30, 1884 to December 14, 1891, by the Central Vermont Railroad Company under a lease; from December 14, 1891 to March 30, 1896, by the Central Vermont Railroad Company as owners; from March 20, 1896 to April 20, 1899, by E. C. Smith and C. M. Hays, receivers for the Central Vermont Railroad Company; from April 20, 1899, by the Central Vermont Railway Company as owners.

The Vermont and Canada Railroad Company was incorporated in Vermont October 31, 1845. The main line from Essex Junction to St. Albans was opened October 18, 1850; from St. Albans to the New York State line, 1851; Winooski Bridge to Burlington, May, 1861; Swanton Junction to the Canadian boundary line, November 14, 1864. On May 21, 1866, Congress established a mail route across Lake Champlain and authorized the construction of a bridge.

The Central Vermont Railroad Company was incorporated November 23, 1872. The Consolidated Railroad Company of Vermont was incorporated April 23, 1883. Under a decree of the United States Circuit Court the property of the Central Vermont was sold to the Consolidated Railroad Company, a corporation formed by the first mortgage bond holders, and the property was leased, June 30, 1884, for ninety-nine years to the Central Vermont Railroad Company.

The Central Vermont Railway Company was incorporated November 16, 1898.

The Montpelier & White River Railroad Company was incorporated November 8, 1867, and was organized August 23, 1871. The line from Montpelier to Barre was opened July 1, 1875, and from Barre Junction to Williamstown, June 30, 1883. The line is 13.7 miles long.

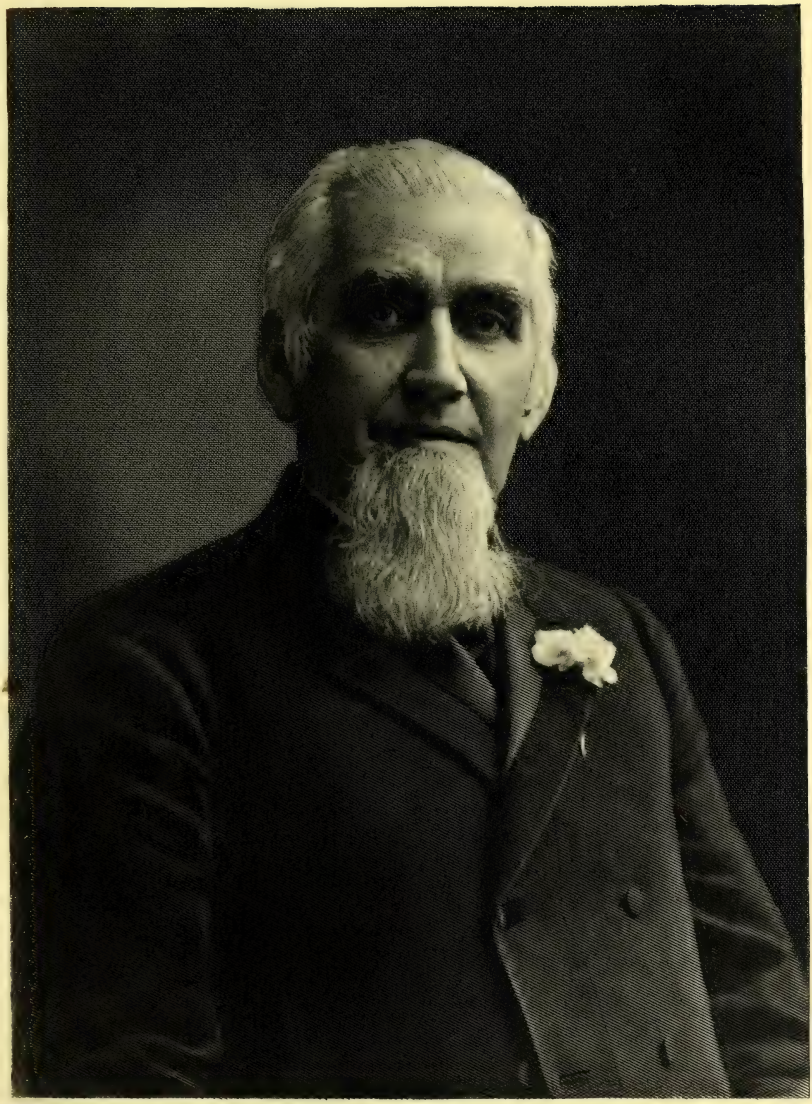
The Burlington & Lamoille Railroad Company was incorporated February 24, 1875 and was organized March 3, 1875. The main line from Burlington to Cambridge Junction, thirty-five miles long, was opened July 31, 1877. The property was sold under foreclosure in accordance with a decree of the United States Circuit Court, to the Burlington & Lamoille Valley Railroad Company, a corporation chartered April 20, 1899.

The Missisquoi Railroad Company was incorporated November 14, 1867. The line from St. Albans to Richford, a distance of 28.85 miles was opened July 1, 1872, and was leased, July 1, 1873, to the receivers of the Vermont Central and Vermont & Canada Railroads. The Company was reorganized, December 24, 1886, as the Missisquoi Valley Railroad Company and was leased, June 30, 1888, to the Central Vermont Railroad Company for ninety-nine years.

Twelve miles of railroad, from Maquam to the New York State line were opened December 31, 1883, and property was leased the same day in perpetuity to the Ogdensburg & Lake Champlain Railroad Company. The Central Vermont had acquired a controlling interest in the Ogdensburg & Lake Champlain in July, 1887. The Lamoille Valley Extension Railroad Company was incorporated October 25, 1872, and was organized, August 24, 1880. This line paralleled the Maquam road and when the latter was acquired, work was suspended on the Lamoille Valley Extension.

HENRY DWIGHT HOLTON

Born in Rockingham, Vt., July 24, 1838. He was educated at Vermont Academy, studied medicine in Boston and graduated from the medical school of the University of New York in 1860. He removed to Brattleboro in 1867 and practiced his profession there with great success for many years. For thirteen years he was professor of materia medica and general pathology in the College of Medicine of the University of Vermont and for eighteen years he was a trustee of that institution. In 1873 he was elected president of the Vermont Medical Society. The State Board of Health was established largely as a result of his efforts. For many years he was a member of the board and long its secretary. In 1902 he was elected president of the American Public Health Association. He was president of the Vermont National Bank of Brattleboro and was actively interested in many business and civic enterprises. He was a member of the State Senate in 1884, of the House of Representatives in 1888 and a delegate-at-large to the Republican National Convention in 1896. He was one of the leading laymen in the Baptist Church in Vermont. In 1862 he married Ellen Hoit of Saxtons River. He died February 12, 1917.



Henry D. Holton M.D.

The Vermont & Massachusetts Railroad Company (the Brattleboro branch) was organized in 1851. From 1870 to 1872 it was operated by the receivers and managers of the Vermont Central and Vermont & Canada Railroads, and later by the Central Vermont Railroad.

The Brattleboro & Whitehall Railroad Company was incorporated November 17, 1876, and was organized February 1, 1877. The line from Brattleboro to South Londonderry, 35.7 miles in length, was opened November 3, 1880. It was leased at once to the Central Vermont Railroad Company and has been operated by its successors. On April 21, 1905, it was incorporated as the West River Railroad Company.

The Brattleboro & Fitchburg was leased to the Vermont Central, and the Vermont and Canada Railroads, December 1, 1870, and later to successive reorganizations of the same corporation.

The New London Northern Railroad Company, incorporated June 7, 1859, was leased, November 21, 1871, to J. Gregory Smith, W. C. Smith and B. P. Cheney, for twenty years from December 1, 1871. The lease was assigned to the Central Vermont Railroad Company in 1873.

The Bethel Granite Railroad Company was incorporated August 4, 1904. The line from Bethel to the granite quarries, 5.4 miles in length, was opened November 20, 1905.

In a paper reviewing the twenty-seven years of litigation in which the Central Vermont was engaged, read by Max L. Powell of Burlington, before the Vermont Bar Association, he said: "Vermont has never produced a man more diplomatic and forceful than John Gregory Smith. In this entire litigation from the time he succeeded his father, John Smith, his was the leading spirit, his was the controlling will, his, the master mind, his, the guiding hand. * * *

"Of indomitable will, of dauntless courage in the face of obstacles seemingly insurmountable, he combined in rare measure and proportion the *suaviter in modo* and the *fortiter in re.* * * * He was a strong and vigorous man, whose sympathies were as a child's, in whose veins coursed warm, red blood, and whose brain was teeming with far-reaching plans for a greater and better Vermont.* * * With a less intrepid leader, Vermont would have been much later in exchanging her stage coach for the iron horse."

RUTLAND RAILROAD

The Champlain and Connecticut River Railroad Company was incorporated November 1, 1843. The name was changed, November 1, 1847, to the Rutland and Burlington Railroad Company. The line was built from Bellows Falls to Burlington, and was opened for business in

December, 1849. The property passed into the hands of mortgage trustees in November, 1853. The road was reorganized in July, 1867, as the Rutland Railroad Company. In December, 1870, the property was leased to the Central Vermont Railroad Company, and was operated under the terms of the lease until May 7, 1896, when, on account of the receivership of the Central Vermont, the Rutland was turned over to its owners.

In January, 1901, the Rutland was consolidated with the Bennington and Rutland Railway Company, the Rutland-Canadian Railroad Company, and the Ogdensburg and Lake Champlain Railroad Company; and in 1902, with the Chatham and Lebanon Valley Railroad Company.

The Western Vermont Railroad Company was incorporated November 5, 1845, and included the line from White Creek, N. Y., and Bennington to Rutland. The property was sold under foreclosure proceedings and a new company was formed, August 1, 1865, under the name of the Bennington and Rutland Railroad Company. On August 8, 1877, new articles of association were filed and the name changed to the Bennington and Rutland Railway Company. The property was leased to the Rutland Railroad Company, March, 1900, and was consolidated with that road, July 30, 1901.

The Rutland-Canadian Railroad Company was incorporated November 4, 1898, for the construction of a railroad from Burlington, across a part of Lake Champlain from the end of Colchester Point to the southern end of South Hero, thence through the Islands of Grand Isle County to the Canadian border and the New York State line. This road, which forms part of a through line from New York to Montreal, was opened December 15, 1900. It was leased to the Rutland Railroad Company, July 1, 1899, and was consolidated with the Rutland Railroad Company, January 18, 1901.

The Addison division, 13.4 miles long, extends from Leicester Junction to Larrabee's Point, on Lake Champlain.

The Lebanon Springs Railroad Company was organized March 25, 1852, covering the line from Chatham, N. Y., to the Vermont State line. The New York and Vermont Railway Company was chartered November 3, 1865, and extended from Bennington to the New York State line. The Lebanon Springs Railroad Company and the New York and Vermont Railway Company were consolidated August 20, 1867. On January 11, 1870, the Lebanon Springs Railroad Company was consolidated with the Bennington and Rutland Railroad Company, under the name of The Harlem Extension Railroad Company. This property was operated as a division of the New York, Boston and Montreal Railway for a short time. On December 1, 1873, it was leased to the Central Vermont Railroad Company and operated by that company until 1877. On September 16, 1877, the Harlem Extension

Railroad South Cove Transportation Company assumed operation of the road for the bondholders. Receivers were appointed, October 1, 1880, and the road was sold under foreclosure June 12, 1885, to a syndicate of bondholders who transferred it April 1, 1886, to the New York, Rutland and Montreal Railway Company, chartered December 31, 1883, for the purpose of consolidating the Lebanon Springs Railroad with the Bennington and Rutland Railroad Company. On February 27, 1888, the Lebanon Springs Railroad again passed into the hands of a receiver, and was reorganized September 23, 1899, under the name of the Chatham and Lebanon Valley Railroad Company. It was consolidated with The Rutland Railroad Company, January, 1902.

The Northern Railroad Company was incorporated May 14, 1845, covering a line from the Vermont boundary at Rouses Point, N. Y., to Ogdensburg, N. Y. The road was opened for business in 1850. It was reorganized in 1857 as the Ogdensburg Railroad Company, and on August 1, 1865, was transferred to the Ogdensburg and Lake Champlain Railroad Company. A receiver was appointed November 1, 1896, and it was reorganized as the Ogdensburg and Lake Champlain Railway Company. It was consolidated with the Rutland Railroad Company in January, 1901.

Presidents of the Rutland Railroad

1843-1847—Timothy Follett.
1848-1853—Harry Bradley.
1854 —William R. Lee.
1855-1862—Thomas Thacher.
1863 —D. A. Smalley.
1864-1867—Albert S. Catlin.
1868-1883—John B. Page.
1884-1887—Charles Clement.
1888-1901—P. W. Clement.
1902-1904—W. S. Webb.
1905-1908—W. H. Newman.
1909-1913—W. C. Brown.
1914-1917—A. H. Smith.
1918-1919—E. G. Buckland.
1920-1921—A. H. Smith.

BOSTON AND MAINE RAILROAD

The Boston and Maine Railroad Company was organized in June, 1835, under the laws of Massachusetts, Maine and New Hampshire. It is a consolidation of the Boston and Portland Railroad of Massa-

chusetts, the Boston and Maine Railroad of New Hampshire and the Maine, New Hampshire and Massachusetts Railroad of Maine. The Vermont portion of the road includes the Ashuelot branch of the Connecticut River Railroad, from South Vernon to Keene, N. H., approximately a mile of which is in Vermont. The Connecticut and Passumpsic Rivers Railroad Company was chartered October 27, 1843, and was organized January 15, 1846. It was leased for ninety-nine years from January 1, 1887, to the Boston and Lowell Railroad and passed with the lease of that road to the Boston and Maine. It extends from White River Junction to North Derby, on the Canadian border, a distance of 109.33 miles.

The Vermont Valley Railroad Company was chartered November 8, 1848, and business over the road began in 1851. In May, 1865, the property passed into the hands of trustees and was operated by them for ten years. In January, 1871, it was leased by the Rutland Railroad and operated by that corporation until April 5, 1877, when it became a part of the Connecticut River system. It passed under the control of the Boston and Maine Railroad, January 1, 1893, as a result of the lease of the Connecticut River Railroad by the last named road. The Vermont Valley Railroad extends from Brattleboro to Bellows Falls, a distance of 24.44 miles.

The St. Johnsbury and Lake Champlain Railroad represents a consolidation of the Essex County Railroad Company, chartered in 1864; the Montpelier and St. Johnsbury Railroad Company, chartered in 1866; and the Lamoille Valley Railroad Company, chartered in 1867. It was first operated as the Vermont division of the Portland and Ogdensburg Railroad. The road went into the hands of receivers, October 18, 1877, the year after it was opened for business. It was organized as the St. Johnsbury and Lake Champlain Railroad Company, July 1, 1880. In April, 1885, the Boston and Lowell purchased a controlling interest in the road. When the Boston and Maine purchased a majority of the stock of the Boston and Lowell, the St. Johnsbury and Lake Champlain lease also was transferred. The main line extends from Lunenburg to Maquam, in the town of Swanton, a distance of 120 miles. The Victory branch of the St. Johnsbury and Lake Champlain, extending to lumber districts in Victory, Granby and East Haven, was built in 1882-83.

The Montpelier and Wells River Railroad Company was chartered November 6, 1867, and the road was opened November 24, 1873. The interest on the bonds having been defaulted for several years, the bondholders foreclosed and took possession, placing the property in the hands of trustees, March 1, 1876. The company was reorganized January 1, 1877. The Vermont Valley Railroad having purchased a majority of the shares of capital stock, it passed into the control of the Boston and Maine. The main line of the road extends from

Montpelier to Wells River, a distance of 38.3 miles. A branch line extends from Montpelier to Barre, a distance of 7.04 miles.

The Barre and Chelsea Railroad Company was organized September 18, 1913, the constituent companies being the Barre Railroad Company, organized April 9, 1888, and the East Barre and Chelsea Railroad Company, organized September 11, 1892. The Boston and Maine controls the road as the result of a purchase of a majority of the stock by the Vermont Valley Railroad.

A portion of the Fitchburg Railroad, controlled by the Boston and Maine, extends across the town of Pownal, from the Massachusetts border to the New York boundary line, and consists of two single tracks of 12.70 miles.

ATLANTIC AND ST. LAWRENCE RAILROAD

The Atlantic and St. Lawrence Railroad Company was organized in Maine in 1845, in New Hampshire in 1847, and in Vermont on October 27, 1848. The road was opened from Portland, Me., to Island Pond, Vt., January 29, 1853; and on August 5, 1853, it was leased to the Grand Trunk Railway Company for 999 years. The Vermont portion of the road extends from the New Hampshire line to Norton Mills, on the Canadian border, a distance of 30.56 miles.

The Grand Trunk also controls the Canada and Atlantic Railway Company. The only Vermont portion extends from Alburg Junction to the Canadian border, a distance of 3.16 miles.

NEWPORT AND RICHFORD RAILROAD

The Newport and Richford Railroad Company, organized December 9, 1880, and sometimes known as the Montreal and Atlantic Railway Company, was chartered and constructed as the Missisquoi and Clyde Rivers Railroad. The Canadian Pacific Railway Company on June 19, 1881, leased the road for ninety-nine years. It extends from Newport Center to Richford, a distance of 31 miles, but the Vermont portion of the road is only 21 miles long.

MAINE CENTRAL RAILROAD

The Maine Central Railroad Company was organized October 28, 1862, and operates in the States of Maine, New Hampshire, and Vermont, and in Quebec and New Brunswick. The Vermont portion is 13.85 miles long and extends from Guildhall to Canaan.

THE HARDWICK AND WOODBURY RAILROAD

The Hardwick and Woodbury Railroad Company was chartered in 1894 and organized March 16, 1895. It began operation in 1896. The road extends from Granite Junction in Hardwick to the granite quarries in Woodbury. It has seven miles of main line and six miles of branches and spurs. It is used almost wholly for the transportation of granite.

WHITE RIVER RAILROAD

The Vermont Valley Railroad Company was chartered in 1876. Construction was begun in June, 1899, and was completed December 26, 1899, when the line was opened from Bethel to Rochester, a distance of 19 miles. It was reorganized November 21, 1902, as the White River Railroad Company and was operated until September 13, 1906, when it was closed by order of the Railroad Commission. The management was changed and the road was reopened December 1, 1907.

THE WOODSTOCK RAILWAY

The Woodstock Railroad Company was chartered October 30, 1863. Construction was begun April 21, 1868, and the road was opened for travel September 29, 1875. Owing to the foreclosure of a mortgage the company was reorganized July 1, 1890, as the Woodstock Railway Company. The road extends from White River Junction to Woodstock, a distance of 13.88 miles.

THE BRISTOL RAILROAD

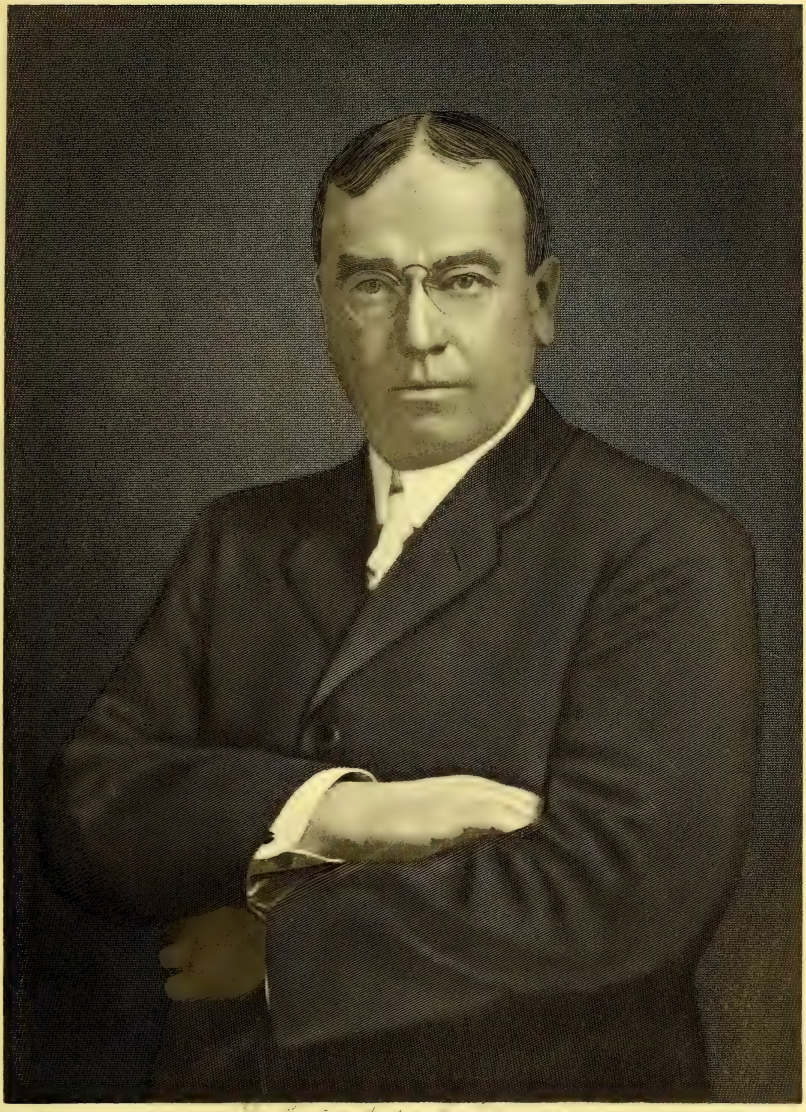
The Bristol Railroad Company was chartered in 1882. The charter was amended in 1886 and the company was organized in 1890. The road was opened for business January 5, 1892. It extends from New Haven Junction to Bristol, a distance of 6.14 miles.

THE CLARENDON AND PITTSFORD RAILROAD

The Clarendon and Pittsford Railroad Company was organized September 10, 1885, and began operations in July, 1886. It is about 17 miles long, and was built by the Vermont Marble Company for the transportation of marble and not for passenger traffic.

JULIUS HAYDEN WOODWARD

Born in Castleton, Vt., in 1858. He was educated in the public schools, studied in Norwich University and graduated from Cornell University in 1879 with the degree of B. S. He attended medical lectures at the University of Vermont and graduated from the College of Physicians and Surgeons in New York in 1882. He was president of his class and a prize winner. In 1886 he was appointed assistant professor of diseases of the throat in the College of Medicine of the University of Vermont and in the same year went to Berlin, where he studied under one of the most prominent eye specialists of Europe. In 1887 he was appointed instructor of materia medica and therapeutics in the University of Vermont and at the end of the year was made full professor. After seven years in this chair he was elected professor of diseases of the eye, ear and throat in the same institution, holding the position for ten years. He removed to New York, where he became a prominent specialist in diseases of the eye, ear and throat. He was director of instruction in the ophthalmological department of the Post-Graduate Hospital Medical School, president of its faculty association and for two years president of the Alumni Society of Bellevue Hospital. He was a member of many medical societies in America and Europe, of the New York Athletic Club, the Fencers' Club, and the Campfire Club of America. He was a noted athlete, having won bronze, silver and gold medals for fencing and was an expert marksman and horseman. He was the author of "Adirondack Days," of medical pamphlets, and wrote the section on diseases and injuries of vision and audition in Witthaus and Becker's "System of Jurisprudence and Toxicology." Doctor Woodward married Mary Madeline Donohue, who survived him. He died at his home in New York City, July 2, 1916.



J. A. Woodward

MANCHESTER, DORSET AND GRANVILLE RAILROAD

The Manchester, Dorset and Granville Railroad Company was chartered June 21, 1902, and was organized December 9, 1902. Construction was begun in January, 1903, and the carrying of freight was begun April 1, 1903. Passenger service was begun September 23, 1903. The road extends from Manchester to West Dorset, a distance of 5.09 miles. It is owned and operated by the Vermont Marble Company, and was built for the purpose of transporting marble from the Dorset quarries to the mills at Manchester.

THE DELAWARE AND HUDSON RAILROAD

The Delaware and Hudson Railroad Company was chartered under the laws of New York, April 23, 1823. The lines operated by it in Vermont were chartered as the Rutland and Washington and the Rutland and Whitehall Railroads and were leased to the Rensselaer and Saratoga Railroad Company. On March 1, 1871, they were leased to the Delaware and Hudson, which company operates 36.59 miles of road in this State, from Rutland City to the New York State line.

DEERFIELD RIVER RAILROAD

The Deerfield River Railroad Company was organized July 16, 1906, and is controlled by the Deerfield Lumber Corporation of Mountain Mills, Vt.

HOOSAC TUNNEL AND WILMINGTON RAILROAD

The Hoosac Tunnel and Wilmington Railroad Company was chartered December 28, 1886, and was built from Hoosac Tunnel, Mass., to Readsboro, Vt., by the Deerfield Valley Company for the transportation of freight from its woodpulp, lumber and paper mills. The extension from Readsboro to Wilmington was built by the Deerfield Valley Railroad Company and was opened November 4, 1892. It is the only narrow gauge railroad in the State, and is 24.25 miles long, the Vermont portion of the road being 16.03 miles in length.

ELECTRIC RAILROADS

The Winooski and Burlington Horse Railroad Company was chartered October 31, 1872. The company was organized in 1885 and was equipped with electric power September 5, 1893. The name was

changed to the Burlington Traction Company in 1896. The company operates 12 miles from Winooski to Queen City Park, and branch lines in Burlington. The Military Post Street Railway Company was chartered in 1892. The company was organized December 7, 1893 and the road was opened July 27, 1895. It extends from Winooski to Essex Junction, a distance of five miles, and is operated in connection with the Burlington Traction Company.

The Rutland Street Railway Company was chartered July 20, 1885, as a horse railway and was built and operated as such. It was changed to a trolley line during the summer of 1894. It was transferred later to the Rutland Light and Power Company. It extends from Rutland to Castleton, Lake Bomoseen, Fair Haven and Poultney, a distance of 22.69 miles.

The Brattleboro Street Railway Company was chartered January 21, 1893, and the road was opened in August, 1895. It was transferred later to the Twin State Gas and Electric Company. It operates 5. 35 miles of road from Brattleboro to West Brattleboro.

The Barre and Montpelier Power and Traction Company was chartered in 1892, the company was organized in 1897, and the road was opened June 29, 1898.

The Bellows Falls and Saxton's River Railroad Company was chartered in 1892, organized November 22, 1892, and opened in July, 1900.

The Bennington and Hoosick Valley Railway Company was chartered in 1894 and was consolidated with the Hoosick Railway Company in 1898, the road extending from Bennington to Hoosick, N. Y., the total mileage being 16.5 miles. The road was opened July 1, 1898. On January 1, 1907, it was consolidated with the Bennington and North Adams Street Railway Company which was incorporated in 1902, and was built through Bennington and Pownal to connect with a line to Williamstown, Mass., North Adams, Mass., and Pittsfield, Mass. The entire property from Hoosick, N. Y., to Bennington and the Massachusetts points named is operated as the Berkshire Street Railway Company. The Vermont portion of the road includes 19.55 miles.

The St. Albans Street Railway Company was chartered in 1892, was organized in 1900 and the road was opened in August, 1901. In 1905 a receivership was established, the road being operated by receivers until May 14, 1912, when it was reorganized as the St. Albans and Swanton Traction Company. The line extends from St. Albans to Swanton, 9.4 miles and St. Albans to St. Albans Bay, 3.2 miles, a total distance of 12.6 miles.

The Springfield Electric Railway Company was organized June 6, 1896, and the road was opened in 1897. The Springfield Electric Railway Company of New Hampshire and the Cheshire Bridge Corpora-

tion were leased for a period of 99 years. The distance from Springfield to the New Hampshire State line is 5.96 miles.

The Mt. Mansfield Electric Railroad Company was organized November 27, 1894, and the road was opened December 1, 1897. The property went into the hands of receivers in February, 1907, and the company was reorganized April 12, 1909. The road extends from Waterbury to Stowe, a distance of 10.5 miles.

VERMONT BANKS

REFERENCE has been made elsewhere to the establishment and discontinuance of State banks in Vermont, and to the opposition toward banking institutions which was shown during the early part of the Nineteenth Century. In 1817 a charter was granted for a bank in Windsor but no organization was effected. In 1818 banks were incorporated at Burlington and Windsor, and in 1821 a charter was granted for a Brattleboro bank. Other charters during this period were granted as follows: Bank of Rutland, in 1824; Bank of Montpelier, Bank of Caledonia and Bank of St. Albans, in 1825; Bank of Vergennes, 1826; Bank of Orange County and Bank of Bennington, 1827.

A law known as the Safety Fund Act, was passed in 1831, authorizing the appointment of three bank commissioners and the creation of a fund out of which creditors of insolvent banks might be paid. Each bank chartered was required to pay in six annual instalments a sum equal to four and one-half per cent. of its capital stock in order that a safety fund might be established. No bank was permitted to make loans until fifty per cent. of its capital stock had been paid in.

The conditions of the forty Vermont banks in 1861 showed total resources of $7,446,945.94 and liabilities amounting to $7,244,906.81. Four years later ten State banks had surrendered their charters and all but six had changed from State to National banks. As a result of a Congressional act the State banks went out of business, a ten per cent. tax having been levied upon circulation.

The Windham Provident Institution of Brattleboro, chartered in 1846, was the first savings bank established in Vermont. The second was the Rutland Savings Bank, incorporated in 1850. The first trust company was chartered in 1869.

There were thirty-nine national banks in 1866, most of them having been transferred from State banks, with an aggregate capital of $6,310,012.50 and a circulation of bank notes amounting to $5,676,800.

The report of the State Bank Commissioner for the fiscal year ending June 30, 1920, showed twenty savings banks, and forty trust companies or savings banks and trust companies. There were in 1920 forty-eight national banks in Vermont, making a total of one hundred and eight banking institutions in the State.

The mutual savings banks and the savings bank and trust companies had resources amounting to $139,025,943.22. Their savings deposits were $8,814,613.12. The total number of depositors was 251,007. The average deposit amounted to $493.63. Loans on real estate in Vermont amounted to $24,988,946.41. Banks reporting resources in excess of four million dollars were: Burlington Savings

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Bank, $20,519,869.04; Rutland Savings Bank, $8,634,407.42; Vermont Savings Bank, Brattleboro, $5,582,793.69; Citizens' Savings Bank and Trust Company, $4,995,586.21; Burlington Trust Company, $4,192,-329.60; Passumpsic Savings Bank, St. Johnsbury, $4,000,077.05.

The total amount of deposits in national banks in Vermont in 1920 was $36,398,620. National banks reporting deposits exceeding one million dollars were: Clement National, Rutland, $2,250,000; Howard National, Burlington, $1,702,110; Welden National, St. Albans, $1,568,400; First National, Montpelier, $1,529,860; People's National, Barre, $1,509,390; Montpelier National, $1,493,910; People's National, Brattleboro, $1,440,910; National White River of Bethel, $1,300,000; First National of White River Junction, $1,300,000; Merchants' National of St. Johnsbury, $1,295,220.

The total amount of deposits in Vermont's National banks, savings banks and trust companies in 1920 amounted to $159,303,638.

INSURANCE IN VERMONT

THE history of insurance in Vermont begins with the organization of the Vermont Mutual Fire Insurance Company, at Montpelier. Daniel Baldwin, a merchant and a public spirited citizen of that town, succeeded in interesting some of the prominent business men of Montpelier in forming such a company, and a charter was secured in 1827. The company was organized, January 21, 1828, and began business March 30, 1828. Mr. Baldwin took out policy No. 1.

During the first four years of the company's existence its business was transacted in the law office of Joshua Y. Vail, one of the incorporators. The treasurer's cash on hand was concealed over night in a hole in the floor. In 1832 a small brick building was erected for the use of the company. The structure now the home of the company was erected in 1869-70. Its presidents have been Chapin Keith, Israel P. Dana, John Spaulding, Daniel Baldwin, James T. Thurston, W. H. H. Bingham, Fred E. Smith, Horatio N. Taplin and George O. Stratton. Policies in force increased from 1,869 in 1831 to 12,012 in 1841; 22,237 in 1861; 32,521 in 1891; 58,175 in 1920. On August 1, 1920, the company carried risks on property valued at $119,521,413. Its assets on that date were $795,820.59; its liabilities $637,342.80.

The National Life Insurance Company of Montpelier was incorporated November 13, 1848, the list of incorporators being headed by the name of Henry Clay of Kentucky. The first board of directors contained such well known men as Paul Dillingham, William Upham, Samuel S. Phelps, Timothy P. Redfield, William C. Kittredge, Julius Converse, John A. Page, Lucius B. Peck, Homer W. Heaton, Julius Y. Dewey and Daniel Baldwin.

The company began to do business January 17, 1850, the first policy being written upon the life of Daniel Baldwin. Its first office was a low room in the second story of a small building occupied by the Vermont Mutual. The first president was William C. Kittredge of Fair Haven. The active work was done by Dr. Julius Y. Dewey of Montpelier, father of Admiral George Dewey, and he was elected president in 1851. In March, 1860, a two-story brick house nearly opposite the State Capitol, was purchased as headquarters. Having outgrown these quarters, in 1873 the company rented the upper floor of the present Vermont Mutual building. In 1890-91 a handsome three-story office building was erected, which has been its home since that time. The business has grown to such an extent that larger quarters are needed, and the erection of a large granite office building just below the State House grounds has been begun (1921). Charles Dewey succeeded to the presidency of the company upon the death of

THEODORE WOODWARD

Born in Barre, Vt. He studied medicine and practiced in Castleton, Vt., and vicinity. He became, probably, the leading surgeon of his time in Vermont and had a large consulting practice throughout Vermont and northern Vermont. He was a surgeon in the War of 1812 and helped in the care of the wounded at the battle of Plattsburg. He founded the Castleton Medical College, and was professor of surgery and obstetrics in the institution from 1818 to 1838. He married Mary Winnington. The children born to them were Lucia (Mrs. John H. Philip), Edwin T. (a Captain in the United States Navy), Caroline M. (Mrs. Egbert Jamison), Adrian T. and Mary A. (Mrs. John Ross).

Theodore Woodward

his father in 1877. When he retired in 1900, James C. Houghton was elected. Upon his death in 1902, Joseph A. DeBoer was chosen, and held the position until his death in 1915. He was succeeded by Fred A. Howland.

The career of Joseph A. DeBoer is one of the most remarkable in the history of Vermont. Born in a little village in Holland, June 17, 1861, his father died when the boy was very young, and the mother brought her family of children to Albany, N. Y. Here the lad learned English, earned money as a newsboy, attended the public schools, winning high rank. He worked his way through Dartmouth College, became principal of the Montpelier High School, where he made a record for his efficiency, and in 1889 was elected actuary of the National Life. He was promoted successively to the positions of secretary, second vice-president, first vice-president and president. Mr. DeBoer was one of the notable insurance men of his time. More than that he was one of the leading citizens of Vermont. He served in both branches of the Legislature, and was frequently considered as a suitable candidate for Governor. He was an eloquent and logical public speaker and was frequently called upon for anniversary speeches. No Vermonter whose ancestors served with the Green Mountain Boys was more familiar with the history and traditions of the State, or prouder of the record of the commonwealth, than this native of Holland. His death at the height of his usefulness, and in the prime of life, was a distinct loss to the State.

Mr. Howland, the present head of the company (1921) is a lawyer, having been a member of the well known firm of Dillingham, Huse and Howland. He served as Secretary of State from 1898 to 1902. In 1903 he became Counsel for the National Life and in 1909 its vice-president. He was elected to the presidency in 1916.

The company's statement for 1919 shows that the total income for the year was $13,355,102.84, and the total disbursements were $10,956,917.32, of which sum $8,491,995.79 was paid to policy holders. The amount received in premiums was $9,648,187.71, the gross assets were $73,060,254.79, and the insurance outstanding amounted to $267,801,560.

The Union Mutual Fire Insurance Company of Montpelier was incorporated in 1874 and began business in 1875. The last report of the State Insurance Commissioner shows the total amount of premiums and assessments from the organization of the company to date to be $3,208,519.62 and the total amount of losses paid during the same period to be $2,289,316.51. The amount of insurance at risk was $35,696,281.

The Burlington Mutual Fire Insurance Company was incorporated in 1906 and began business in 1907. The total amount of premiums and assessments from organization to December 31, 1918,

was $265,753.87, and the total amount of losses paid during the same period was $144,044.79. The amount of insurance at risk was $7,122,178.16.

The Granite Mutual Insurance Company of Barre, was incorporated in 1906 and began business in 1907. The total amount of premiums and assessments from organization to the end of the year 1918 was $499,695.96 and the total amount of losses paid during the same period was $322,189.62. The amount of insurance at risk was $12,996,580.

The Green Mountain Fire Insurance Company of Montpelier was incorporated in 1916 and began business in 1919. The total amount of insurance at risk according to the insurance report for 1919 was $1,319,378.

The Patrons' Cooperative Fire Insurance Company was incorporated in 1915 and began business the same year. The total amount of insurance in force at the end of the year 1918 was $1,228,031.01.

The State Mutual Fire Insurance Company of Rutland was incorporated in 1898 and began business in 1899. The total amount of premiums and assessments from organization to the end of the year 1918 was $298,722.13, and the total amount of losses paid during the same period was $167,562.31.

The American Fidelity Company of Montpelier was incorporated in 1900 and began business in 1901. The net premiums received since organization amount to $8,720,239.10 and the net losses paid during that period total $4,914,330.05.

The Vermont Accident Insurance Company of Rutland was incorporated in 1900 and began business in 1906. There were 1,966 policies in force at the end of the year 1919, insuring to the amount of $852,916.

Among native Vermonters who have achieved notable success in the insurance world are Darwin P. Kingsley, born in Alburg, who has been president of the New York Life Insurance Company since 1907, and Daniel A. Heald, a native of Chester, and at one time president of the Home Life Insurance Company.

VERMONT INDUSTRIES

FOR several decades the quarries and mines of the State have constituted an important feature of the industrial life of the State. The quarrying of marble is the oldest of the stone industries of Vermont. Isaac Underhill opened a marble quarry in Dorset in 1785, and about the same time a stone quarry was opened at Isle La Motte, from which black marble is obtained. It is said that people came one hundred miles to Dorset to secure hearths, chimney stones and lintels for their fireplaces. The manufacture of marble headstones began here in 1808. The first marble quarry at Middlebury was opened in 1805 and the first marble mill at Swanton was erected in 1812. The early discoveries of marble induced many persons to invest money in opening quarries and not a few fortunes were lost in these enterprises.

In 1838, William F. Barnes established a lime kiln at Sutherland Falls, on the site of the present village of Proctor, then a part of the town of Rutland. After carrying on his lime business for several years he became satisfied that this stone might be used for gravestones and monuments. For a tract of barren, swampy land, and part of a hill, he gave in exchange an old horse worth not more than seventy-five dollars. The land, then considered practically worthless, contained nearly all of the extensive marble deposits of West Rutland, among the most valuable in the world. Before his death Mr. Barnes sold this tract for one hundred and thirty thousand dollars.

The Rutland marble quarries were developed by Charles Clement & Sons, Sheldon & Sons, Ripley Sons, Gilson and Woodfin, and others. One of the early contracts at Washington was the marble panelling for the Gold Room in the United States Treasury Building.

The entire marble output of Vermont in 1870 amounted only to $130,000. In that year Redfield Proctor was appointed receiver for a marble company operating at Sutherland Falls. Seeing the possibilities of the industry Colonel Proctor organized the Vermont Marble Company, which began business in an old mill beside Otter Creek, in which only six or eight blocks of marble could be sawed at a time. A track led to a quarry nearby, the marble being lowered by a cable, while a yoke of oxen drew the empty car back. Gradually the business grew. Sheds and mills were built and equipped with modern machinery. Sutherland Falls furnished electric power. New quarries were purchased at Pittsford, West Rutland and elsewhere. Shops were built at Center Rutland and West Rutland. The little hamlet at Sutherland Falls became the manufacturing village of Proctor, and many shops and mills were built along the Otter Creek. Forest lands were purchased to secure a lumber supply and a cable line was constructed two and one-quarter miles over a mountain to bring sand

for the rubbing beds. In twenty years the output of Vermont marble had increased from $130,000 to $2,169,560.

The State of Vermont is far and away the greatest marble producing State of the Union and the Vermont Marble Company is the largest marble producing concern in the world, with branch offices in the principal cities of the United States. There are said to be at least one hundred varieties of marble in Vermont, ranging from pure white to jet black.

Vermont leads all other states in the production of granite as well as marble. Miilstone Hill, in Barre, received its name from the millstones quarried there. In 1824 there were three mills in Barre which produced such stones. Robert Parker, a Revolutionary soldier, and his partner, Thomas Courser, are believed to have opened the first granite quarry in Barre. The year 1781 is given as the time when the discovery was made that the Barre rock made good millstones. In 1833 stone for the construction of the State House was drawn by ox teams to Montpelier. At that time the prediction was made that "this is the last structure that will ever be built of Barre granite and the last load that will ever be drawn from Harrington Hill." In spite of this pessimistic forecast this region became, a few years later, the center of the monumental granite business of the world.

An order for ten million paving blocks for the city of Troy, N. Y., first aroused an interest in the possibilities of Barre granite. In 1871 about one thousand tons of granite were quarried at Barre. A little more than forty years later the output of Barre granite had increased to nearly three hundred thousand tons.

There are in the Barre district (1921) about seventy granite plants with an annual output valued approximately at eight millions of dollars. The quarries cover an area about five miles long and three miles wide. A dozen different firms own the fifty-six quarries operated.

The Barre granite is of three shades, dark, medium and light. Unlike the marble industry, the granite business is in the hands of many companies, although there are several large corporations which operate quarries and finishing plants. The World War seriously interfered with the stone industry of Vermont, but before the outbreak of hostilities, approximately five thousand men were employed in the Barre granite business under normal conditions.

Most of the granite quarried here is used for monumental work. The statue of Robert Burns, on the pedestal of which have been carved scenes from "The Cotter's Saturday Night," erected in Barre, has been described by Professor Finley of Columbia University as "probably the noblest piece of granite carving to be found in any city."

Hardwick is the center of the building granite industry of America, and it is operated in connection with quarries and cutting

sheds at Woodbury, Bethel and Northfield. The Woodbury granite is cut at Hardwick, and most of it comes from Robeson Mountain. It is said that the summit of this mountain was sold at one time for fifty dollars. The white granite of Bethel is a popular building stone. Cambridge University, in England, has made a collection of specimens of granite from all parts of the world and the whitest sample obtained came from Bethel, Vt.

Within the past few years (1921) Vermont has advanced from second to first place in the production of talc, although the last figures published showed that New York still held first place in the value of the product. The principal mines are at Rochester, East Granville, Waterbury, Moretown, Johnson and Chester. There are in the State many talc deposits as yet undeveloped.

For many years Vermont has ranked second in the development of slate. A quarry was opened at Guilford as early as 1812. The first Fair Haven quarry was opened in 1839 and was operated eight years before roofing slate was produced. About six-sevenths of the Vermont product is now roofing slate. Fair Haven is the center of the only district in the United States producing unfading green, purple and mottled slate. Some quarries produce mill stock.

There are extensive deposits of asbestos in Lowell and Eden, which are supposed to be a part of the valuable Black Lake vein in Canada. The asbestos mined thus far is the short fibre product. A little asbestos was mined in Lowell in 1870, but the work was soon abandoned. In 1894 a wood chopper from the Black Lake region of Canada discovered asbestos in Lowell and in 1900 deposits were found in Eden. Considerable money has been spent in Lowell and Eden in developing the mines.

The lumber business has always been important in Vermont and in the early history of the State much timber was exported to Canada. About 1850 lumber began to come in from the Dominion. In 1856 Lawrence Barnes opened a lumber yard in Burlington and the business grew rapidly, lumber coming from the north by way of the Chambly Canal and Lake Champlain. Burlington became an important distributing point, and at one time ranked third among the lumber markets of the United States.

Various wood working plants are among the most important Vermont industries, including manufactories of sash, doors and blinds, chairs, tanks and silos, packing boxes, refrigerators, butter tubs, shade rollers, toys and many wood novelties.

Thaddeus Fairbanks of St. Johnsbury invented the platform scale in 1830. It was originally designed for the weighing of hemp, but developed into a great variety of balances, ranging from apparatus that will weigh a ship with its cargo, or a railroad train to an instrument so delicate that it will weigh the dust resulting from the

sharpening of a lead pencil. This business grew with great rapidity until the firm of E. and T. Fairbanks and Company became the world's leading scale producers.

In the spring of 1857 John Howe, Jr., of Brandon, bought a patent obtained by two Vermonters, Frank M. Strong of Vergennes and Thomas Ross of Rutland, for platform scales and began their manufacture in Brandon. In 1864 the Howe Scale Company was organized, and in 1878 the shops were removed to Rutland. In 1888 Dr. John A. Mead was elected president and through his foresight and skill a great business was built up, this manufacturing establishment becoming the second largest of its kind in the world.

Another great Vermont industry is the Estey Organ Works at Brattleboro. In 1833 Jacob Estey established a lead pipe and pump business in that village, and later he rented part of a shop he owned to a firm of melodeon makers. The partners in this enterprise desired to go to California when the discovery of gold was reported and Mr. Estey bought their business. During the next few years the annual output was from fifty to seventy-five instruments, the price varying from seventy-five to two hundred and twenty-five dollars each. Mr. Estey was accustomed to load a wagon with melodeons and drive from town to town until they were sold, a trip sometimes covering portions of several States. Later cottage organs and pianos were developed and the business grew to large proportions. Branch houses were established in several of the large cities of America and Europe. In recent years the manufacture of pipe organs has been developed into one of the greatest establishments of its kind in America.

One of the largest factories in the United States making screen doors and windows is located in the village of Winooski.

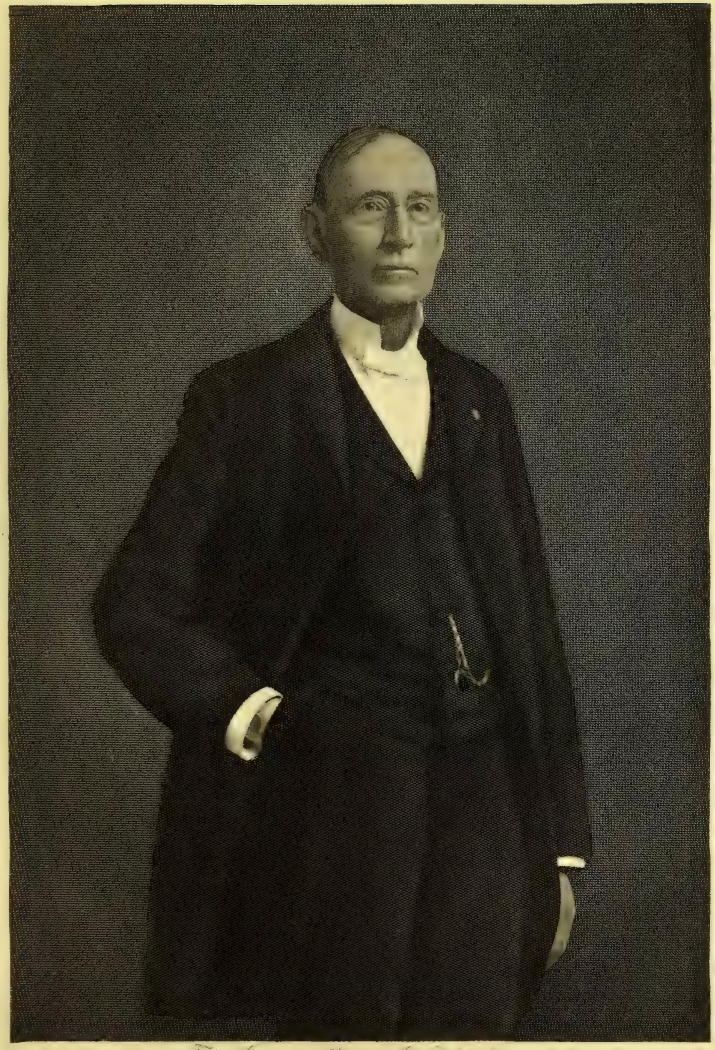
A woolen mill was established at Bennington before the American Revolution. During the early part of the Nineteenth century a considerable number of small mills sprang up in various parts of the State, some of which are still doing business. There are large woolen mills at Burlington and Winooski and large cotton mills at Burlington and Brattleboro. The manufacture of knit underwear was begun at Bennington in 1802, and that village is one of the important centers in this country for the production of knit goods.

A paper mill was erected at Bennington in 1784, and a similar mill at Fair Haven ten years later. Bellows Falls is one of the most important paper mill centers in New England, and is said to contain the largest plant in the United States manufacuring waxed paper. This village is said to have been the first place in the world where paper was made successfully from wood pulp. William A. Russell of Lawrence, Mass., having carried on this work here from 1866 to 1870.

About the middle of the Nineteenth century an important machine tool industry was established at Windsor.

ADRIAN T. WOODWARD

Born in Castleton, Vt., July 17, 1827. He graduated from Castleton Seminary in 1845, and from Castleton Medical College in 1847, at the age of twenty. He practiced medicine four years at Whitehall, N. Y. Later he was on the staff of an Albany, N. Y., hospital and was demonstrator of anatomy in the Albany Medical College. He was professor of obstetrics and the diseases of women at the Castleton Medical College until he removed to Brandon in 1860. For several years he was professor of the surgical diseases of women in the College of Medicine of the University of Vermont at Burlington. He was surgeon of the Fourteenth Vermont Volunteers in the Civil War and saw service in the battles of Gettysburg, Spottsylvania Court House and the Wilderness. For many years he was one of the leading surgeons of Vermont. He married Miss Martha Chapin of Whitehall, N. Y., who died in 1853. Two children born to them also died. Later Doctor Woodward married Lois C. June of Brandon. Two children were born to them, Julius H. and Irving. The second son died in childhood.



The Century History Co. Publishers

Adrian Theodore Woodward

Springfield, Vt., has become the leader of the world's development of the turret lathe, with which Governor Hartness is so actively connected. It also leads in the manufacture of last lathes and contains a large shoddy mill. In more recent years the manufacture of automatic screw machines and automatic drills has added materially to the growth of Windsor. A great business in calf skins has been built up at Hyde Park by Carroll S. Page.

The electric motor was invented by Thomas Davenport of Brandon, who carried on his experiments amid great privations. On September 28, 1910, the Allied Electrical Associations of America dedicated a bronze tablet to his memory at Forestdale, in the town of Brandon.

About 1812 the first manufacture of globes for use in schools was established at Bradford by James Wilson.

Soon after the close of the War of 1812, a peddler stopped at the blacksmith shop of Silas Hawes in South Shaftsbury to have his horse shod. Some old saws were taken in part payment for the transaction. Howes took two straight pieces from the saw blades, welded them together in the form of a right angle, removed the rust, marked off inches with a cold chisel, and made the first steel square. Jeremiah Hall of Middlebury invented the circular saw and a townsman, Isaac E. Markham, originated the process of sawing marble by water power with the aid of sand, water and toothless saws.

One of the great water powers of the East has been developed on the Connecticut River at Vernon, and there are others in the headwaters of the Deerfield River in southern Vermont, at Chittenden, Fairfax, Essex Junction, Bellows Falls, Vergennes, Bolton and Springfield.

VERMONT AGRICULTURE

THE history of Vermont agriculture is told to a considerable extent in the pages of the narrative portion of this work. Census reports have been quoted from the time agricultural statistics were available, showing Vermont's development. This sketch, therefore, is intended merely to supplement the previous description of farming operations.

Although Vermont is a mountainous State and much of its surface is too rocky to permit cultivation, its soil is fertile and the crop records for many years show that it has consistently ranked well up on the list in its yield per acre of staple crops. During the past year (1920) it ranked ahead of all other States of the Union in yield of bushels of corn per acre. The principal crops are hay, oats, corn, potatoes, barley, buckwheat, rye, apples, maple sugar and maple syrup. During the World War the amount of wheat grown was largely increased, but under normal conditions Vermonters prefer to raise other crops and buy flour.

Vermont primarily is a dairy State. This has been true for many years but the first two decades of the Twentieth century have seen a steady growth along dairy lines, an intensifying of the industry, resulting in better bred herds and more successful marketing conditions. The rapid growth of the metropolitan cities of New York and Boston has necessitated a reaching out farther for a milk supply for these great cities and a daily supply is now (1921) drawn from the western part of the State for New York City, and from eastern Vermont for Boston. Regular refrigerator milk trains are run over Vermont railroads, and a system of gathering milk from farms has been organized. There are also many creameries, some of them organized on a co-operative basis, which care for most of the milk not sent to the city markets.

As a result of this highly specialized development, Vermont has become one of the greatest dairy States in the Union, taking into account area and population. In no other American Commonwealth are there as many dairy cows on each acre of improved land as in Vermont. As a result of the large number of cows kept in this State, Vermont's soil fertility is being maintained. Hay is the principal crop of the State, and a large amount of corn is raised for silage purposes. In fact the important crops generally are those which contribute to the maintenance of dairy herds. The census report for 1920 shows that in 1919 the value of all Vermont's dairy products amounted to $27,207,813.

At one time Vermont ranked high in the production of cheese and the first cheese factory, it is claimed, was established at Pawlet, in March, 1864.

The Vermont Dairyman's Association, one of the most active organizations of its kind in the United States, was organized in the room of the Committee of Agriculture in the State House at Montpelier, October 27, 1869. The meeting was called to order by Senator Homer E. Royce, of Franklin County. R. J. Saxe, of Sheldon, was elected temporary chairman, and O. S. Bliss, of Georgia, temporary secretary. On the following day, October 28, another meeting was held, when E. D. Mason, of Richmond, was chosen president, and Mr. Bliss was continued in the office of secretary. The first winter meeting was held at St. Albans, January 19-21, 1870. These annual meetings have long ranked among the important gatherings of the year in Vermont.

One of the great farming organizations is the National Grange, established December 4, 1867. One of the seven founders was John R. Thompson, who served in a Vermont regiment during the Civil War. The Vermont State Grange was organized at St. Johnsbury, July 4, 1872.

The rise and decline of the Merino sheep industry in Vermont is of sufficient importance to deserve special attention. It is said that at the time of the invasion of Spain by the French, early in the Nineteenth century, that country contained the largest number of fine wooled sheep in the world. According to Spanish legends, sheep were introduced into Greece from Colchis, thence to Italy, and the Romans introduced them into Spain. The sheep had thrived in this peninsula and for centuries had been under the protection of the Spanish Government. The Moors had given particular care to their flocks and the number of Merinos in Spain, at the time of the invasion by Napoleon's soldiers, has been estimated at six millions.

Col. David Humphreys, appointed United States Minister to Madrid by President Adams in 1797, was recalled by President Jefferson in 1802. When about to leave that country the customary present of a number of bars of silver was offered, and declined, as contrary to the laws of this country. The American Minister intimated, however, that for the benefit of the people of the United States he would accept some Merino sheep. He was informed that such exportation was forbidden but that as a personal favor he might be able to secure some for himself and no notice would be taken of the transaction. He succeeded in getting one hundred pure Merinos, seventy-five ewes and twenty-five rams, from one to two years old. They were delivered at Lisbon, and on April 10, 1802, they were placed on shipboard. After a voyage of fifty days they were landed at Derby, Conn. Two of the imported rams were placed by Col. Humphreys on a farm in Hartland, Vt. William Jarvis of Weathersfield, Vt., former United States Consul to Portugal, learning of the success of Colonel Humphreys in securing Merino sheep from Spain, applied for per-

mission to secure some of these famous animals. Through the intervention of the United States Minister to Spain, he secured, as a special favor, two hundred of the Royal Escurial flock, these being the only Escurials ever sent to this country. Mr. Jarvis presented a pair of the sheep to President Madison and a pair to ex-President Jefferson. After the second Napoleonic invasion of Spain the governmental authorities, lacking funds, consented to sell some of the Merino flocks. Through an agent, Mr. Jarvis purchased one thousand, four hundred of the Paular flock, said to be one of the best in Spain. They were originally owned by the Carthusian friars of Paular, on the borders of Andalusia. Later purchases made by Mr. Jarvis, brought his total importations to 3,630 sheep. He sent about four hundred of these to his Weathersfield, Vt., farm. Mr. Jarvis sold Merino sheep at prices sufficiently low to permit Vermont farmers to buy. During the first half of the Nineteenth century the Merino sheep developed rapidly in Vermont and sheep raising became one of the principal industries in the State. Elsewhere allusion has been made to the great importance which sheep raising attained in Vermont, and particularly in Addison county. With the opening of the West this industry passed largely to the Western States.

Vermont is the home of a famous breed of horses, the Morgans. Justin Morgan came to Randolph, Vt., from West Springfield, Mass., in 1789. A little later he brought to Vermont a colt which was used by him as a breeding animal. Later he sold the horse, which was owned in St. Johnsbury and Montpelier. The animal, known as the Justin Morgan horse, and afterward as Justin Morgan, was about fourteen hands high, weighed approximately 950 pounds, and was a dark bay, with black mane and tail. The Morgan Horse Register says this horse was sired by True Briton, said to have been captured from Col. James DeLancey, a British officer.

The Morgans have been famous for their endurance. It was said of Justin Morgan that he could "out-walk, out-trot, out-run (and) out-pull every horse entered against him." Six of the most famous sons of Justin Morgan were Sherman Morgan, Bulrush Morgan, Woodbury Morgan, the Fenton Horse, the Hawkins Horse, and Revenge. Black Hawk was a son of Sherman Morgan and Ethan Allen was a son of Black Hawk. Green Mountain Morgan, a son of Gifford Morgan and a grandson of Woodbury Morgan, probably was one of the most attractive animals ever reared in the United States. General Wool of Mexican war fame, said he was "the finest parade horse in the country," Governor Banks of Massachusetts, seeking the handsomest possible mount for a muster in 1860, sent to Williamstown, Vt., for Green Mountain Morgan. The horse was then twenty-five years old, but he played his part to perfection.

The American Farmer's Encyclopedia published in Philadelphia, said in 1844: "Perhaps the very finest breed of horses in the United States, when general usefulness is taken into consideration, is what is commonly known in the northern and eastern States as the Morgan horse." *The American Horsebreeder* said: "Probably no other family of horses ever existed in which so large a proportion of its members 'acted well their part' with greater honor to themselves and their family than that founded by the noted stallion, Justin Morgan. The majority of these were remarkably cheerful, docile and faithful in whatever station they were placed. Their great strength in proportion to their size was proverbial, and their endurance was wonderful. No horses of their size could compete with the old time Morgans, either for pulling logs in the clearing, loads on the road in a team, on the plow, the family carriage or under saddle on parade. There never has been a family that transmitted its valuable qualities with greater uniformity than the Morgan." When one of the sculptors engaged to model the statuary for the World's Fair, held at Chicago, sought a model for a typical American horse, a Vermont Morgan, a daughter of Daniel Lambert, was chosen. While the Morgans have not been chiefly noted as trotting horses, some of the speediest of American racers, Dan Patch, Lou Dillon, Uhlan, Major Delmar, Sweet Marie and The Harvester had Morgan blood in their veins.

Senator Proctor of Vermont, as chairman of the Senate Agricultural Committee, succeeded in interesting the Department of Agriculture in the revival of the Morgan type, which, in the latter part of the Nineteenth century had declined in popularity. Col. Joseph Battell of Middlebury, in 1906, gave to the United States four hundred and thirty-five acres in Weybridge as a breeding farm and in 1917, six hundred acres were added to this tract by purchase. From sixty-five to one hundred horses are maintained on this farm, the primary object being the preservation of the Morgan breed of horses and a gradual increase in size by careful selection.

The present State Commissioner of Agriculture (1921) is Elbert S. Brigham of St. Albans, a successful farmer, who has held office since 1913. Under his capable direction the department has increased largely in size and usefulness. The department includes a State Forester, creamery and cheese factory inspectors, inspectors of seed potatoes, an inspector of nurseries, an inspector in charge of insect suppression, a farm labor and sales agent, a dairy manufacturing specialist, an inspector in charge of cow-testing associations and a Live Stock Commissioner.

The report of the State Commissioner of Agriculture for 1918-20 reported the following State forests:

Name	*Town*	*Area in Acres*
George Aitken	Mendon	800
Arlington	Arlington	225
Battell	Duxbury-Huntington	4,500
Downer	Sharon	800
Groton	Peacham-Marshfield	6,000
M. J. Hapgood	Peru	100
L. R. Jones	Plainfield	600
Lyndon	Lyndon	75
Mansfield	Stowe	5,000
Proctor-Piper	Cavendish	400
Putnam	Worcester	1,400
Townshend	Townshend	700
West Rutland	West Rutland	350

FRED T. KIDDER

Born in Woodstock, Vt., October 14, 1858. He graduated from the University of Vermont in 1880 and from the College of Medicine of that institution in 1883. He has practiced as a physician and surgeon in Woodstock since his graduation. He has been a member of the State Board of Health for many years and is its president. He is a trustee of the University of Vermont. He was a member of the House of Representatives in 1906 and of the Senate in 1908.

David Thomas Riddle, M. D.

HISTORY OF THE MEDICAL PROFESSION IN VERMONT

By Dr. Charles S. Caverly of Rutland*
President of the State Board of Health

Revised by Dr. Henry C. Tinkham of Burlington
Dean of the College of Medicine of the University of Vermont

DISEASES OF VERMONT

The settlers on the New Hampshire Grants were a hardy race. Inured to toil and privation, accustomed to contend with natural foes—human, animal and elemental, living perforce the "simple life," they developed into the proverbially vigorous Green Mountain Boys.

Except for the occasional inroads of epidemics, the physical ills of the early settlers in Vermont were chiefly confined to such accidental injuries as necessarily attach to pioneer life.

Small pox was the chief of epidemic diseases of the early days. It had long been the scourge of the Indians and the early settlers of the older colonies. Gov. Hiland Hall, speaking of the disease in Bennington, says:

"The first mention of the disease on the town records is in March, 1773, when some cases of it occurring, a meeting was warned to see whether the town will give liberty to inoculate for the Small Pox, with suitable restrictions, and upon a vote being taken, it was passed in the negative."†

Governor Hall further says:

"In the year 1776, the disease had prevailed among the American troops in Canada, largely contributing to the unfortunate result of the expedition to that province, and it threatened to become general throughout the country.

By this time the efficiency of inoculation had become generally acknowledged, and at a special meeting held on the 10th of Feb'y, 1777, it was voted to establish a Pest House and to place it in charge of a committee appointed for that purpose. To prevent the spreading of the disease, it was declared by vote that any person who should

*Owing to the death of Doctor Caverly, the text of this chapter was revised and supplemented by Dean Tinkham in order that it might be brought up to the date of publication.

†Hemenway's *Gazetteer.*

presume to have the infection on either of the several of the main roads through the town, should be liable to a penalty of twenty pounds, or having taken it, if he should go more than 30 rods from the Pest House, he should forfeit the like sum of £20."

Further: "In November, 1794, at a special town meeting it was voted to recommend to the Selectmen to give liberty to Capt. Hutchins to inoculate for the disease till the 15th of March 'under the most rigid and careful restrictions, such as they should think proper'."

In 1784 and 1787 the Governor and Council enacted laws making it the duty of the Selectmen in the various towns to attend to cases of this disease, provide medical attendance, and guard against danger to the uninfected. Thence dates our disease quarantine. For many years small pox was the only quarantinable disease. From this time the Selectmen were the local boards of health.

Governor Hall says that Dr. Benjamin Robinson, son of Samuel Robinson, advertised in the *Vermont Gazette* in 1800 that he was inoculating for kine pox and that he had the best European authority for stating that it was a prevention of small pox. As proof of this statement, he vaccinated three lads and later allowed them to enter the pest house and inoculated them with the small pox, and "not one of them was in the least degree affected by the pest house disease."

From five to ten deaths a year have been recorded in the State in some years as late as in the seventies, and rather widespread outbreaks of from twenty to one hundred cases have occurred. Since the Spanish War rarely has there been a death in these epidemics.

Malaria was one of the diseases with which the early settlers had to contend. Fevers of the intermittent type were common along the border of Lake Champlain until the middle of the Nineteenth century. For the past three or four decades, malaria of Vermont origin has been almost unknown in the State.

Dr. Joseph A. Gallup of Woodstock published a book in 1815, entitled "Sketches of Epidemic Diseases in the State of Vermont from Its First Settlement to the Year 1815." Doctor Gallup's technical knowledge was apparently quite up with the times and he seems to have been in touch with many physicians in all parts of the State. Probably he was better qualified than any writer to speak of diseases prevalent in Vermont during the years covered by his book. Many of the following facts relating to the years 1790-1815 are quoted from Doctor Gallup.

From the earliest days, even as late as 1872, dysentery was a common and very fatal disease. It created havoc in Burgoyne's army as well as in the American army about Lake Champlain. It appeared in all parts of the State, usually in the late summer or early fall (dysenteric months) and was regarded as a true pestilence; as many as one hundred and fifty to two hundred and fifty deaths a year were not

uncommon. With increased knowledge of its cause, and improvement in our water supplies, the name has disappeared almost entirely from our mortality tables.

"Malignant sore throat," "putrid sore throat," "malignant angina" was a common disease in the earliest days. Inasmuch as this disease seems to have attacked children chiefly, it is not unlikely, as Doctor Gallup hints, that the early outbreaks were really either scarlet fever (canker rash) or diphtheria.

Scarlet fever has prevailed in epidemic form from Revolutionary days. It was formerly a very fatal disease. From two hundred and fifty to three hundred deaths a year from this disease were not unusual as late as 1880. In recent years this disease under strict preventive measures has nearly disappeared as a cause of death.

Typhus fever was a rather prevalent disease and fatal during the first century of our State. In the absence of exact knowledge of the causes of these diseases, it is quite certain that typhus fever, dysentery and typhoid fever were very loosely diagnosed in pre-bacterial days. The first registration report of Vermont (1857) returns all deaths attributed to "typhus," "typhoid," "ship" and "continued" fevers, as well as simply "fever," as "typhus fever."

That all these diseases occurred in the earliest times is undoubted, but it is quite certain that "typhoid" was oftenest the true infection.

This disease, typhoid fever, is the typical water-borne disease and has been a very constant autumnal visitor to our State from its beginning. From two hundred to five hundred deaths annually was long its regular toll. With a better understanding of its cause and the elimination of local foci in the State, it has also been reduced to a minimum of prevalence. In 1913, there were but thirty deaths in Vermont from this cause.

"Spotted fever," a disease so designated, appeared in Vermont about 1811. Doctor Gallup describes it as a cold weather disease and mentions, besides Woodstock, Barnet, Randolph, Barre, Reading, Greensboro, Hardwick, Pomfret and Plymouth as suffering severely from the disease during 1811 and 1812.

Continuing, he says:

"The autumn of 1812 and the winter of 1813 ushered in the most severe epidemic disease that has ever afflicted the inhabitants of Vermont, the epidemic peripneumony or disease of the lungs. It seemed to have the features of the disease, that had been in the State for about two years, called spotted fever," etc.

This epidemic as described by Doctor Gallup and others was without doubt the worst scourge that ever has befallen our people. It seems to have started among the soldiers at Burlington, spreading from there to the people in that town and thence was scattered over the State. The number of deaths among the soldiers in four months

was stated at not less than seven hundred or eight hundred. The fearful ravages of this epidemic are reflected by the deaths reported from various towns. Woodstock reported fifty-four deaths; Pomfret, forty-four; Sharon, forty; Arlington, ten; Sandgate, twenty; Manchester, sixty to seventy; Dorset, forty to fifty; Rupert, forty to fifty; Shaftsbury, thirty; Bennington, seventy; Pownal, seventy to eighty; Clarendon, eighty; Castleton, sixty; Reading, forty-four. These figures given mostly in round numbers are from local reports to Doctor Gallup, and compared with figures from other sources, seem to be no exaggeration.

Doctor Gallup estimates the total fatalities in the State during five months, including army deaths, at 6,400. The census population for 1810 was 217,913.

It is a matter of record that epidemic cerebro-spinal meningitis or spotted fever appeared in certain parts of Massachusetts about 1805 and was epidemic in New England and some of the Middle States from that time until about 1815.

From this fact and from the description given of individual cases in this great epidemic in Vermont, it is safe to venture the statement that the essential disease in this scourge of 1813 was epidemic meningitis, frequently complicated with pneumonia. It is hard to realize the extent of the suffering this disease entailed on the young State. Whole families were attacked and death frequently occurred in a few hours. There were often none who were well enough to care for the sick or bury the dead. Dr. Edward Lamb of Montpelier had fourteen sick physicians under his care.

The name "spotted fever" has only disappeared from our death records within a very few years, being gradually supplanted by "cerebro-spinal meningitis" or "epidemic meningitis."

Asiatic cholera was imported into Canada in June, 1832. It claimed several thousand victims in Quebec and Montreal and much alarm was created in Vermont. Four deaths are recorded as having occurred in Burlington and about ten or twelve in the State.

Erysipelas was a frequent epidemic disease during the first three-fourths of the Nineteenth century in Vermont.

Diphtheria appeared in our State under that name in 1858. "Croup," "membranous croup," "malignant sore throat," "putrid sore throat," "malignant angina" were, however, names that had been known to the profession for a hundred years or more. The name diphtheria dates from about 1858; the disease undoubtedly was very old. It quickly assumed epidemic proportions and attained its maximum prevalence in 1863. In 1862, eight hundred and ninety-one deaths occurred from this disease and in 1863 there were recorded 1,313 deaths in Vermont from diphtheria and croup. This epidemic was second only to the spotted fever epidemic of 1813 in the suffering it

caused. Like most of our epidemic diseases, this has nearly vanished under the light of modern research and sane preventive measures.

One other epidemic of disease in Vermont should be recorded, because of the present widespread interest attaching to it, and because at the time of its occurrence, it was unprecedented in its extent and seriousness. An outbreak of acute anterior poliomyelitis (infantile paralysis) occurred in the valley of the Otter Creek in 1894, involving one hundred and thirty-two cases and sixteen deaths. This disease has since occurred in epidemic form in many parts of Europe and America, including other parts of our own State and has found classification among the infectious diseases which may occur epidemically.

The most severe epidemic of infantile paralysis in Vermont was in 1914, although the disease continued in epidemic form for four years. This outbreak involved three hundred and four recognized cases, while there were undoubtedly many more unrecognized, of the so-called "abortive type." There were five hundred and eighty-three cases reported during the four years. Per capita of population, the 1914 outbreak was probably the most serious epidemic of this disease recorded. The fatalities were seventeen percent of the cases, a very high rate. It involved chiefly the northern counties of the State, Orleans, Franklin, Chittenden and Addison.

It was this 1914 outbreak which attracted the attention of one of Vermont's loyal citizens, who placed a considerable sum of money ($25,000) in the hands of the State Board of Health for the purpose of prosecuting research work to determine the cause of this disease and methods of its prevention. A research laboratory has been established in Burlington, the University of Vermont furnishing rooms in the College of Medicine for this purpose. This laboratory has been to a large extent under the direction of the Rockefeller Institute and cooperating with it. Several matters of importance relating to this disease have been discovered in this laboratory. The seriousness of this disease is not measured by its fatalities but quite as much by the various forms of permanent paralysis that result.

In September, 1918, the epidemic of influenza, which became nation-wide, made its appearance in Vermont. The city of Barre in Washington county was the first place to be seriously affected.

The disease spread rapidly over the State, and while it made its appearance in practically every town in the State it was much more severe in some localities than in others. In Barre and Montpelier the disease appeared in its most aggravated form. Possibly this may have been due to the large number of men working in the stone sheds, an occupation which seems to favor disease of the air passages.

The epidemic became serious in St. Johnsbury, St. Albans, Burlington and many other towns and cities. The worst form of the disease appeared in the larger towns. This was probably due to poorer

housing conditions and the less sanitary condition of the homes of the laboring class in these places.

Judging from the number of cases which were reported to the State Board of Health it is safe to assume that there were more than 50,000 cases in the State, and 1,772 deaths were reported.

The epidemic assumed such serious proportions that State-wide restriction of public gatherings was promulgated. Schools and churches were closed and all public meetings were forbidden. The number of people sick with the disease was so great that it was impossible to care for them in their homes or in existing hospitals, and many temporary hospitals were established in different parts of the State.

Consumption or tuberculosis, the universal scourge, has occurred in Vermont as elsewhere from earliest times. The number of deaths attributable to tuberculosis in our State for many years ran steadily from seven hundred to nine hundred annually. It was probably neither more nor less prevalent than in other parts of the country. The discovery of the cause of this disease in 1882, together with the adoption of rational methods of prevention and cure, have cut this annual death rate to less than three hundred. An important factor in this anti-tuberculosis campaign has been the systematic campaign of popular education, provided by our State Legislature.

So far as consumption can be called an industrial disease, Vermont has furnished favorable conditions for its prevalence in two counties, viz., Washington and Rutland, among the stone cutters. The granite industry of Washington county especially has been an undoubted factor in fostering this disease.

Epidemic disease in our State is fast disappearing. The old-time infections, like typhoid fever, diphtheria, puerperal fever, erysipelas and dysentery, scarlet fever, tuberculosis and small pox gradually and surely are giving way to scientific prevention. None of them now causes the panicky feeling in the community which was so common in the early days. Our people have learned that preventive measures, promptly and rigidly enforced, do prevent; and as a rule insist on their application, whenever any of these diseases appear.

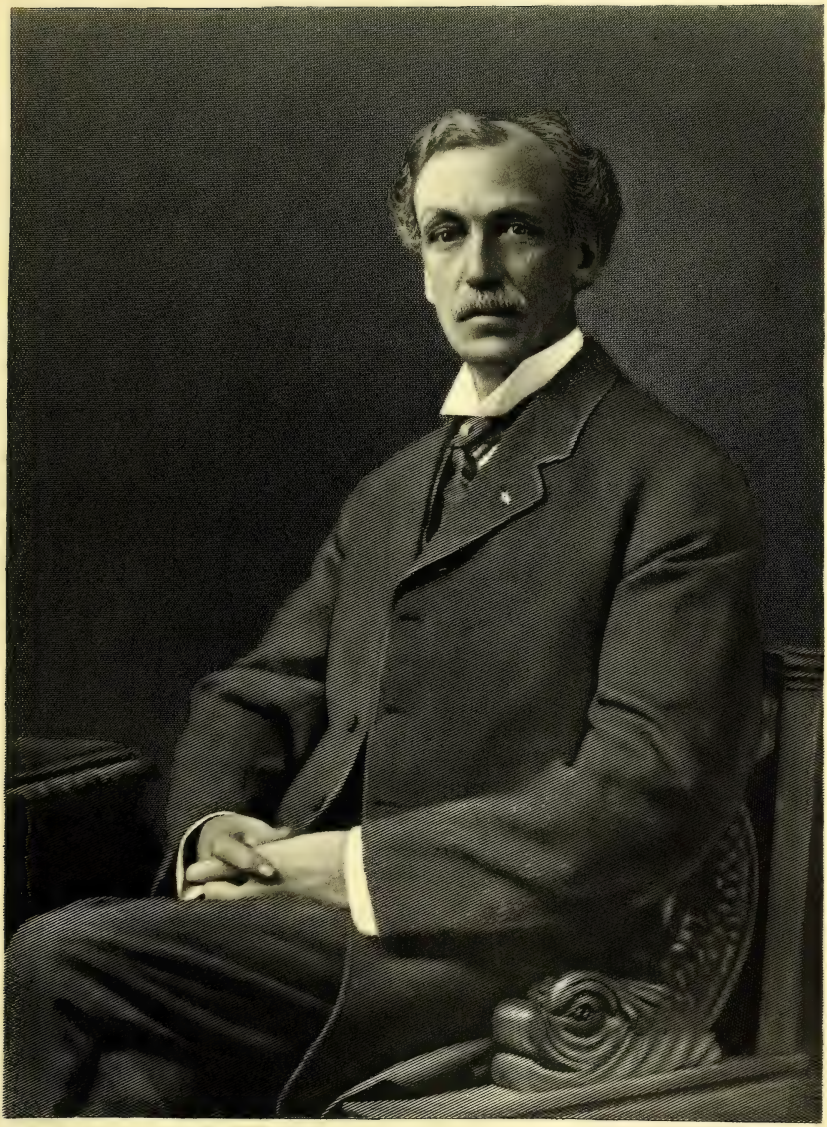
Longevity is increasing. Since the systematic official registration of deaths in Vermont (1857) ten years has been added to the span of human life.

The suppression of acute epidemic diseases has resulted in a tremendous saving of young life, for it is the young and vigorous that chiefly suffer from these infections. Therefore more of our people than formerly are living to advanced age.

Largely as a result of this lengthening of life, the diseases of senility are increasing. Bright's disease, apoplexy, heart diseases and cancer belong in this class. The strenuous modern life contributes to

WILLIAM N. BRYANT

Born in Weston, Vt., September 26, 1851. He studied in Montpelier Seminary, Harvard Medical School and graduated from the College of Medicine of the University of Vermont in 1873, locating in Ludlow for the practice of his profession. He was president of the Vermont Medical Society in 1904. He has been one of the Supervisors of the Insane. He was a member of the House in 1910 and was appointed in 1921 a member of the State Highway Commission.



W. H. Bryant

the same results, though not to the same extent in rural Vermont as among urban populations. Vermont, a distinctly rural State, with the best air, water and climate of our northern latitude, is calculated to maintain its reputation for rugged virility, if safeguarded from infectious diseases.

VERMONT MEDICAL SOCIETIES

Prior to 1783, the medical profession of Vermont was composed of men scattered through the settlements; some, army surgeons left by the subsidence of the war; others, young practitioners attracted by the opening of a new country. Whether in war or peace, these pioneer medical men with hardly an exception had been loyal and enthusiastic supporters of the young State. Of matters of mutual interest, purely professional, hitherto they had had little time to think. Now, however, the interests of their profession, as well as those of their State, invited association.

The First Medical Society

In October, 1784, the physicians of Rutland and Bennington counties secured a charter for a medical society with the title above given.

Its objects and charter members are thus set forth:

"Whereas, it is a matter of the greatest importance to the inhabitants of this State that the professors of the medical art should receive all proper encouragement to excite them to improve and to acquire a thorough acquaintance with a science so interesting, to those who may be in distress through indisposition of body and limbs: and whereas, it appears by a petition by Jonas Fay and Lewis Beebe in behalf of themselves and a number of gentlemen physicians and surgeons in the counties of Bennington and Rutland and parts adjacent, to wit: Nathaniel Dickinson, Seth Alden, Samuel Huntington, Elisha Boker, Lemuel Chipman, William Johnson, William Gould, Aaron Hastings, ———— Hitchcock, Silas Holbrook, William Wolcott, Ezra Boker, Ebenezer Tolman, Ezekiel Porter and Jacob Roebeck, did on the 19th day of August, 1784, form themselves into a medical association and formed a constitution for the government thereof; prayed the Legislature of this State to patronize and establish the same."

Following this example similar societies were chartered in Windham, Franklin and Windsor counties in the order named. Most of the other counties had medical societies later. One of the chief, if not the chief, function of these first county organizations was the regulation of admission of members into the profession.

The State Society was the result of these county organizations. The original charter for a State Society, granted in October, 1813, provided that the physicians of the several counties might form county societies, these societies to be corporations with corporate powers and a corporate seal. They were empowered to tax the members "for the purpose of procuring a library and suitable apparatus," provided the tax did not exceed three dollars.

The first meeting was held at Montpelier, July 7, 1814, and Ezekiel Porter was the first President.

The State Medical Society entered at once on a vigorous existence. Its birth was coincident with the direst outbreak of epidemic disease that ever visited the State. Its activities were not confined to the welfare of its members alone, they had to do with the public health. Like its predecessors, it decided the qualifications of members of the profession and granted diplomas to such as met the requirements. The remoteness from centers of medical teaching made it practically impossible for aspiring students to attend lectures at such institutions. They studied consequently with practitioners of standing, and in due time presented themselves to the Censors of a Chartered Society for examination.

A diploma issued by "The First Medical Society" reads:

"James Porter having been approved by the Censors is hereby admitted a Member thereof, and entitled to every privilege thereunto belonging:

"And with full confidence we Recommend him to the Public as a safe and successful practitioner in Physic and Surgery.

"Signed and dated in July 1801 by Ezekiel Porter, President and John Sargent, Secretary."

Endorsed on its back this document has:

"Saratoga County: Clerk's Office Aug't. 29th, 1806, a copy of the written certificate has this day been filed in my office.

"A. C. Baldwin, Clerk."

This indicates that the license of these societies was honored in other States.

After the establishment of medical colleges, the State Society sometimes sent delegates to their examinations. During the first ten years of its existence, the State Society had full control of the admission of members to the medical profession.

At the meeting in 1825 a report by special committee appointed to look up the subject of the requirements for admission to practice reported in substance as follows: (Two medical colleges, it should be remembered, were then in operation in Vermont.)

"The Medical Society of this State regrets the scanty requirements of candidates who offer themselves for examinations for licenses to practice and also for degrees in the Medical Institutions in

this State; and likewise in adjoining States. We experience an earnest concern on account of the general laxness that prevails. We further consider this abatement of requirements as tending to depreciate the reputation of the profession and to injure the community."

It was therefore ordained by the Society that candidates for licenses should bring a certificate of preparatory studies sufficient to enter the freshman class in a college or submit to an examination to this effect, unless he had a degree of A. B. Any candidate who had the degree of A. B. must have studied *three* full years with some *licensed* practitioner with an absence of not more than six weeks in each year. If such candidate had only been fitted to enter college, he should have studied *four* years as above. Each candidate was required to have attended at least two courses of medical lectures, have arrived at the age of twenty-one years and brought a certificate of good moral character. These certificates as to length of study, morals, etc., were to be sworn to before a competent official.

Again, "being fully informed with a mind of the necessity of a general reform, this Society with due reverence" recommended to the Medical Institutions of this and neighboring states that the degree of *Bachelor,* instead of Doctor of Medicine be given students after the above period of time, and that the degree of M. D. be conferred only on those who merit it seven years after the degree of M. B. is granted.

The Society further directed its secretary to ask the medical societies and medical colleges of New York, Connecticut and Massachusetts, Rhode Island, New Hampshire and Maine to adopt similar regulations "For the benefit of the community and the reputation of the profession." It was furthermore proposed that if their proposition were rejected by the several States and institutions mentioned then they should not be obligatory on the Medical Societies of this State.

This action of the Vermont State Society speaks well for the progressive spirit which animated it in those early days. There is no report as to how the above propositions were received in other States, but it is a creditable record of the early days of the Vermont Society that it should have done pioneer work toward the proper training of medical men. In 1827 we find the Society endorsing the "measures adopted by the medical societies of the states of Massachusetts and New Hampshire in relation to the suppression of intemperance."

The Society pursued this active existence until 1829, the last eleven years having been under the presidency of Dr. Joseph A. Gallup. There was then a twelve years' lapse of the meetings of the Society. Prominent medical men in the State were occupied with medical colleges and lost interest in societies.

On October 14, 1841, we find this entry in the records:

"The Vermont Medical Society, having for a long time been neglected the physicians from the several parts of the State as-

sembled together in Convention on Thursday, Oct. 14, 1841, for the purpose of considering said Society, and of devising some means of remodeling and reviving and of placing it on a more sure foundation than ever, and proceeded to organize by W. R. Ranney appointed Chairman and Z. B. Burnham, Secretary." The annual meeting of the Society was held the following day, and a modification of the by-laws was made.

When the State Society was revived the conditions of membership included a provision that all regular physicians, who had been members of the Legislature of the State and the professors of medical institutions in the State, who had degrees in medicine; and all members of county societies might become members of the State Society.

A board of counsellors, the total number not to exceed the number of Senators from any county, was authorized. The duty of the board of counsellors was to transact the business of the Society. This board, representing the constituent county societies, corresponded very closely to the "House of Delegates" of the present organization.

After the reorganization the Society maintained regular annual meetings. Semi-annual meetings were held beginning with 1844. Dr. Horace Eaton, a year later elected Governor of the State, was president in 1845. He was the only active practitioner who was ever elected to that office.

There seems to have been difficulty in maintaining the attendance and interest in the State Society under the plans that had been in vogue up to this time. These plans limited the attendance at meetings and sought to maintain close connection between the county and the State organizations. At any rate, in 1851, a further reorganization of the Society was effected, in which the county unit of representation was abandoned. Under this reorganization of 1851, any physician in the State of good moral character, who had received the degree in medicine from any legally authorized medical school, could become a member upon the payment of one dollar as an initiation fee and one dollar as annual dues. Under this plan the Society led a flourishing existence for fifty years.

Most of the State legislation relating to public health and medical matters has originated with this Society. Thus as early as 1851, a resolution was adopted calling the attention of the Legislature to the advisability of a complete registration of births, marriages and deaths. This action of the State Society resulted in a law, new to those days, which has given us vital statistics since 1856.

In 1873, the Society appointed a committee to urge upon the physicians of the State and others the necessity of a central health board. The movement thus initiated resulted thirteen years later in the establishment of the State Board of Health.

The State Society in 1901 again changed its organic law in conformity with suggestions from the American Medical Association. A new constitution and by-laws were adopted. The chief change consisted in placing all the business of the Association in the hands of a House of Delegates, representing the various county societies, according to their membership. It is worth recalling that this reorganization of the Society placed it upon a footing very similar to that which originally obtained as regards the close relationship and interdependence of the State and county organizations.

In 1904, the Society, together with the other State Societies, was instrumental in securing a medical practice act.

During the hundred years of its existence, this Society always has exerted a wholesome influence upon legislation. It has contended steadily for higher standards in medical practice and better public health laws.

Homeopathic Society

The State Homeopathic Society was chartered in 1858. There had been a society for homeopathic physicians for some years before that in which Dr. C. B. Darling of Lyndonville was influential. Besides Doctor Darling, the physicians prominent in the early history of this society were Doctor Taplin of Montpelier, Doctor Eels of Cornwall, Dr. G. E. E. Sparhawk of Burlington. This society meets annually in such place as its members may vote.

Eclectic Society

The Vermont State Eclectic Society was organized June 6, 1866, and incorporated the following November. The early officers of this society were Dr. A. G. Brush, Dr. J. M. Templeton, Dr. W. D. Wells, Dr. J. Furkee, Dr George A Bagley, Dr. F. Grinnell. This society also holds annual meetings at times and places decided upon from year to year.

In cooperation with the Vermont State Medical Society, both the State Homeopathic Society and the State Eclectic Society were instrumental in securing the present medical practice act. All of these societies have exerted a wholesome influence on sanitary and medical legislation in the State.

MEDICAL EDUCATION

Medical education in the early days of our State seldom was obtained at a college. The New England boy who had aspirations toward medicine usually obtained his education by "reading" with a practitioner who enjoyed a good "ride" and as has been noted, qualified before a chartered Medical Society for practice.

Some of the best known practitioners always had one, often more, students, who were thus being initiated into the technicalities of the art.

Dr. Nathan Smith was the genius of medical education in New England at the beginning of the Nineteenth century. He had exceptional executive ability as an organizer. He was the founder of three institutions, viz., Dartmouth, Yale and Bowdoin. This great medical authority and organizer was reared in Vermont and there received his first inspiration to the study of medicine. While teaching school in one of our Vermont towns at the age of twenty-one years, he learned that an important surgical operation was to be performed by Dr. Josiah Goodhue at Chester. He was present at this operation and the impression then made upon him determined him in the choice of a vocation. It should be stated that Dr. Goodhue was a rather exceptional surgeon for those days, was president of the trustees of Berkshire Medical College and was the first in New England to amputate at the shoulder joint. Dr. Nathan Smith was a physician of more than ordinary ability and became an authority on medical and surgical subjects. He was among the first surgeons of the country to perform some of the major surgical operations.

As stated, the prominent men in the profession were sought by aspiring medical students, and under their direction theory and practice were gained together. Dr. Frederick Ford of Cornwall, an original and successful practitioner, and one of the first to successfully make use of hydrotherapy, had many such students and in the construction of his house planned with reference to accommodating them.

Castleton Medical College

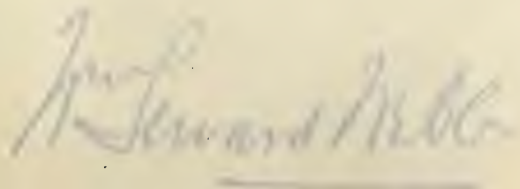
The inception of the three regularly recognized medical schools in this State was due to the demands made upon practitioners for private instruction. These men were Doctor Gridley at Castleton, Doctor Pomeroy at Burlington and Doctor Gallup at Woodstock.

Dr. Selah Gridley, born in 1767 in Farmington, Conn., came to Castleton in 1795 and had an extensive practice and so wide was his reputation that it attracted to him many students. The impossibility of doing justice to them as an individual led directly to the establishment of the Castleton Medical Academy.

The first regular course of medical lectures was delivered by Doctors Gridley, Theodore Woodward and John L. Cazier in March, 1818. The charter of the Castleton Medical Academy was granted October 20, 1818. By act of November 7, 1822, the name of this institution was changed to the Vermont Academy of Medicine. From 1820 to 1827 "a conventional connection" existed with Middlebury College by which the degrees were conferred by this institution

WILLIAM SEWARD WEBB

Born in New York City, January 31, 1851, being a son of Gen. James Watson Webb, a famous New York editor. He was educated at Columbia University and studied medicine in Vienna, Paris and Berlin. For many years he was president of the Wagner Palace Car Company. He is president of the Fulton Chain Railway Company, the Fulton Navigation Company, a director of the Rutland Railroad Company, the Central Vermont Railway Company, and the Pullman Company. He built the Mohawk and Malone Railroad and formerly was its president. He purchased 200,000 acres of land in the Adirondacks and converted it into a game preserve. He has a large estate at Shelburne, Vt. He has held the rank of Colonel in Vermont, has served in the State Legislature and was a delegate to the Republican National Convention in 1904. He is the author of "California and Alaska" and editor of the papers of Gen. James Watson Webb and of Samuel Blatchley Webb. He married Eliza O., daughter of William H. Vanderbilt.



Wm Seward Webb

on such students "as were found worthy." The Vermont Academy of Medicine grew and prospered under the wise guidance of Doctors Gridley and Woodward until 1838. We are reminded that ways and means may have troubled these sturdy men by the references to petitions "for a lottery" for the Castleton Medical Academy found in the Proceedings of the Governor and Council at sundry times in 1820-24.

For instance, this record occurs in October, 1822: "Resolved that the Com. . . . . relative to the disposition of the State bank property to the support of common schools be instructed to enquire into the expediency of granting . . . . so much of said property as is situated in the counties of Rutland and Addison . . . . as shall not exceed the sum of one thousand dollars to the use and benefit of the Medical Academy . . . . at Castleton." Until 1835 lectures were given in a single annual term of fourteen weeks. In 1835-37, the lecture terms were semi-annual, one beginning in March, the other, in August, each fourteen weeks.

In 1838, owing to Doctor Woodward's illness and the defection of the two other members of the faculty, the school suspended operations two years. In 1840 the school reopened under a new faculty; in 1841 the lecture room was remodeled and an anatomical museum (Professor McClintock's) and materia medica cabinets were added.

In October, 1841, the General Assembly again changed the name to the Castleton Medical College. The school again prospered. During the interval between lecture terms, instruction was given at the college by the resident members of the faculty, Dr. James McClintock and Dr. Jamieson. The school continued in successful operation until 1852, when the dean, Prof. Joseph Perkins, had some misunderstanding with other members of the faculty and the trustees went to Burlington, where Doctors Thayer and Carpenter were just reviving the Medical College connected with the University.

The College now lost prestige and finally was abandoned at the outbreak of the Civil War. For the greater part of forty years it had been the chief feature of the village where it was located and had filled an honorable place in the medical world. Its graduates numbered 1,542 and, scattered over the whole country, reflect credit on this pioneer Vermont medical school even to this day.

The list of names of the men who at various times gave instruction at Castleton is sufficient testimony to the high character of the institution. On this list are:

William Tulley, Professor of Theory and Practice, whose name is perpetuated in the profession by "Tulley Powder" and who wrote an authorative work on Materia Medica and made many original researches in the application of drugs; Solomon Foot, Horace Green, Theory and Practice, a native Vermonter, who later became a high authority on diseases of the Throat and Chest; Frank H. Hamilton,

Surgery, one of the great surgeons of America; Alfred C. Post, another metropolitan surgeon; Thomas M. Markoe, still another high authority in surgery, and James McClintock.

Vermont Medical College

Dr. Joseph A. Gallup of Woodstock was the father of the Vermont Medical College. Doctor Gallup had filled the chair of practice and materia medica at Castleton for three years until 1823. Leaving Castleton in that year he was connected with the medical school at Burlington a short time. His mind seemed to have turned to the need of another medical school on the other side of the mountain and he busied himself in organizing such a school at Woodstock. This school was first called "The Clinical School of Medicine." It had no charter and for several years the degrees were granted its graduates by the Waterville College of Maine. Doctor Gallup at first seems to have been *the* college. He issued his first prospectus in August, 1826.

Owing to "unexpected derangements," the operation of the college was deferred until the following March. On the fifth day of that month in 1827, the first course of lectures in the Medical College at Woodstock began. They continued twelve weeks.

At the next session of the Legislature, an attempt was made to obtain a charter for this school but unsuccessfully, and the new school was obliged to worry along without legal standing, or, as expressed by Dana, "it rested solely on its own merits." No lecture course was held during the following year, but on the tenth of July, 1829, it was announced that arrangements had been made for resuming lectures. A new brick building had been erected meanwhile, a faculty formed and a curriculum announced. On March 4, 1830, the introductory lecture of the next course was delivered and the course continued until the second day of June.

The faculty consisted of Drs. Joseph A. Gallup and Willard Parker, assisted by Dr. David Palmer. Frederick A. Willard gave instruction in chemistry and the natural sciences and the first degrees were issued that year, with examinations conducted by the faculty and two censors from Waterville College and two from the Vermont State Medical Society. The next two years were promising for the Clinical School. In 1832 there were eighty students. Trouble, however, seems to have arisen about this time over the control of the institution. Doctor Gallup, who had been the main factor in the establishment and running of the school to this time, seems to have encountered more or less opposition among his fellow members of the faculty. Two rival factions developed, each aspiring to control the situation.

"In the course of a few weeks two advertisements appeared, each bearing date January 20, 1834, each headed 'Clinical School of Medicine at Woodstock, Vermont,' and each announcing the commencement of the annual course of lectures on Thursday, the 6th of March next. This twofold aspect of the Medical School created some confusion in the general mind, and it was remarked by way of comment on this condition of things, that Woodstock was the only city in the United States, with the exception of Philadelphia, which could boast of its two medical schools."*

In this unfortunate situation some one was obliged to yield and Doctor Gallup, for the sake of harmony and the interests of the school, transferred all his right and property in the institution to the "gentlemen, who had adopted the views of his former colleagues." On abdicating, the doctor carried with him to private life the respect and sympathy of a large part of the community. Degrees were conferred upon the graduates of this school from 1830 to 1832 by Waterville College; from 1833 to 1837 by the President of Middlebury College.

In 1835, the institution was incorporated by the Legislature as the "Vermont Medical College." The prosperity of the institution thereafter was assured.

A new building, urgently needed to accommodate the increasing number of students, was erected through the liberality of the medical faculty and the citizens in 1839 and was completed for lectures in 1840. The attendance of students increased apace and the Vermont Medical College became favorably known by the profession and the public.

It pursued its successful career until 1856. At the close of the college year, many of the professors resigned and the members of the corporation, after meeting several times, decided to abandon the enterprise. In due time agents were appointed and in 1862, the real estate, including the college building, and the personal property of the institution were sold.

During its career, this institution had graduated five hundred and fourteen physicians. The years from 1846 to 1853 were years of its greatest prosperity. It could not be hoped that the rural State of Vermont could long maintain three medical colleges. All had done honorable service in the cause of medical education. Woodstock, the last to be established, was the first to succumb. Castleton soon followed.

These institutions at Castleton and Woodstock and the College of Medicine of the University of Vermont are the only reputable medical colleges that ever have existed in the State. Several abortive attempts have been made to establish irregular medical colleges, of one kind and another. Such institutions have been started in Rutland, Ben-

*Dana's History of Woodstock.

nington and Newbury. They led a brief and precarious existence and all are extinct.

College of Medicine; University of Vermont

Dr. John Pomeroy was chiefly instrumental in organizing the medical department of the University of Vermont. Doctor Pomeroy, who was a prominent physician in Burlington, became a member of the corporation of the University in August, 1807.

In August, 1809, the honorary degree of M. D. was conferred upon him and he was elected "Professor of Physic, Anatomy and Surgery in the University." The following resolution was adopted by the corporation of the University at this session in 1809:

"Resolved that any person who has been licensed to practice physic by any medical society, established by law, and has attended two courses of lectures delivered by the Professor of Physic, Anatomy and Surgery of this University and shall deliver an inaugural dissertation on some subject proposed by said Professor, 'shall be eligible to the degree of Bachelor of Physic.'"

Doctor Pomeroy's standing in the community and especially in the profession of the State attracted to him medical students from the surrounding country. He gave regular lectures on anatomy and surgery, beginning in the winter of 1814 in a building which he secured on Water Street. He had at times the assistance of other practitioners, especially in the subjects of obstetrics and practice. In 1815, the corporation voted to allow Doctor Pomeroy to use two rooms in the college. In January, 1817, Doctor Pomeroy resigned the professorship in anatomy and physiology and received the thanks of the corporation for his services in teaching the aforesaid branches. At the same time, Dr. J. L. C. Cazier was elected to the same professorship "without any salary from the corporation until an appropriation for that purpose shall be made by them." Doctor Pomeroy continued meantime to fill the chair in surgery until after the regular establishment of the medical department in 1822.

In March, 1821, it was voted by the corporation that: "A Committee of two be appointed to confer with the Medical Gentlemen in Town on the subject of delivering lectures in the College." This committee, after conference with the medical gentlemen referred to, reported that they had "consented to receive appointments," and in August, 1822, the corporation voted that the President of the University in the interim between this and the next annual commencement have discriminating power to confer medical degrees on such persons as shall attend the medical lectures and are recommended by the medical professors and lecturers of the University.

Besides Doctor Pomeroy, the first faculty consisted of Nathan R. Smith (son of Nathan Smith)—anatomy and physiology; William R. Paddock—botany and materia medica, and A. L. Porter—chemistry and pharmacy. In 1822, the faculty was further strengthened by the appointment of Nathan Smith, the founder of Dartmouth and other medical schools, as lecturer in medicine and surgery.

It is a significant fact and one that undoubtedly gave this young institution instant prestige than Nathan Smith and his son, Nathan Ryno, thus early were associated with its teaching force. As has been mentioned, Nathan, Sr., was the personification of medical education in New England. Nathan R., his second son, was a thoroughly equipped young man, then just entering on a successful career as teacher and practitioner. He married in Burlington a Vermont girl, Juliette Octavia Penniman, whose mother, when she married Doctor Penniman, was the widow of Gen. Ethan Allen ("Life and Letters of Nathan Smith" by Emily Smith).

The first medical degrees were conferred in 1823.

A special committee of the corporation reported in August, 1824, recommending the following article in addition to existing rules relating to the conferring of Medical Degrees:

"Practitioners of Physic who have sustained a respectable standing in their profession for five years previous to the year 1822 and who have attended one course of Medical Lectures in this University and otherwise complied with the aforesaid regulation may nevertheless be admitted to the examination for a degree of Doctor of Medicine." This regulation throws a side light on the standards of the profession of 1824 and was quite creditable to the young college.

In 1825, a proposition was received by the corporation from the "Medical Institution of Troy," proposing that there be a "cooperation" between their institution and the Medical Department of the University. Whereupon the following recital and resolution was adopted: "Whereas a communication has been received from the Troy Medical Institution, soliciting the cooperation of the University of Vermont in aid of this college—in conformity thereto it is—

"Resolved that the University of Vermont confer the degree of Doctor of Medicine upon such medical students as shall hereafter, at the Troy Medical Institution, be educated in acquiescence with the general rules and usages of Medical Colleges of the United States—and this resolution continue in force for the space of five years." It is not recorded whether any students from the Troy institution did or did not take advantage of this action.

The University Medical Department pursued its way until 1832, meanwhile occupying a new building at the south end of the College Green, erected in 1829. The number of students dwindled after 1832,

until, in 1836, but one degree was conferred in this department. During this time there were many changes in the faculty.

In 1836, this department was abandoned. During the thirteen years of its existence it had graduated one hundred and fourteen students. While various reasons were given for the lack of students and the suspension of the college, the competition encountered from the two colleges at Woodstock and Castleton and from the medical school at Hanover undoubtedly were factors. It was also thought that the failure of the University trustees to encourage the medical faculty contributed to its failure. In 1840 and 1842, Dr. Samuel W. Thayer, Jr., then a resident of Northfield, made fruitless attempts to reorganize the medical department.

In December, 1852, a memorial was presented to the corporation of the University by Dr. L. W. Bliss, asking for the resuscitation of the medical department. Dr. S. W. Thayer, Jr., was associated with Doctor Bliss in this request. The corporation referred the matter to a special committee, which after due investigation and correspondence with other institutions, reported favorably on reviving the medical department. The report of this special committee of the corporation states in detail the number of subjects that shall be taught in the medical department and the relation which the president and corporation were to bear to that department. The pay of the professors, the tuition that should be charged, and the general oversight of the medical department were assigned to the medical faculty, "subject to the approval of the corporation." It was, however, provided that: "Said medical faculty shall have no power to charge the corporation with any pecuniary liability whatever."

According to the terms of these articles adopted by the corporation, the medical faculty assumed all responsibility and financial obligations pertaining to the re-establishment and maintenance of the medical department and in return therefor were allowed a nominal connection with the University, use of the medical building on the south of the College Green, the museum, chemical apparatus, other appurtenances and such books as formerly belonged to the medical library, all of which were to revert to the University in case the Medical College was not opened within one year from January 1, 1854, or was suspended for a year thereafter. Under this plan the medical department grew and prospered for nearly fifty years. The professors elected by ballot at this time were: Dr. Samuel White Thayer, Northfield, surgery; Dr. Owen Smith, Montpelier, theory and practice; Dr. Levi Wild Bliss, Bradford, anatomy; Dr. Ezra S. Carr, Castleton, chemistry and pharmacy.

In August of the same year, 1853, Dr. Horace Nelson and Dr. Walter Carpenter were added to the faculty.

CHARLES B. PORTER

Born in Rutland, Vt., January 19, 1840, the son of James Burnham and Harriet (Griggs) Porter. He graduated from Harvard College, receiving the degree of A. B. in 1862, A. M. in 1863 and M. D. in 1865. From April to September, 1865, he served in the Union army during the closing months of the Civil War as acting assistant surgeon. He was a member of the staff of the Massachusetts General Hospital for many years, serving as surgeon to out patients, 1866-75, and visiting surgeon from 1875 to 1903. His long period of service on the teaching staff of Harvard Medical School began as an assistant demonstrator of anatomy, a position which he held from 1867 to 1868. He was demonstrator of anatomy, 1868-75; instructor in surgery, 1875-82; professor of surgery, 1882-87; and professor of clinical surgery, 1887-1903. He was vice-president of the American Surgical Association in 1892. Doctor Porter married Harriet A. Allen at Cambridge, Mass., in 1865. His residence was in Boston.

Eng. by E. G. Williams & Bro. N.Y.

Thenceforth this department led an uninterrupted existence with little variation in its prosperity. The largest class ever graduated was one hundred and one, in 1884. The classes soon outgrew the old building and it became necessary, soon after the resuscitation of the college, to enlarge this building. Subscription lists were circulated and fairs held in Burlington for this purpose. Again, in 1870, the citizens contributed generously to enlarging and refitting the building. In 1884, an entirely new and commodious Medical College building was erected through the generosity of John P. Howard at the north end of College Park. Here the college was housed and continued to prosper until this building was burned in 1903. Nothing daunted, the medical faculty, under the lead of Henry C. Tinkham, Dean, quickly addressed themselves to the task of rebuilding; and the result is the present modern building, which was completed for occupancy in January, 1906.

During the sixty years since the reorganization of the college under Doctors Thayer and Carpenter, a strong faculty has been maintained which has contained names of the best specialists obtainable in the East.

The College of Medicine of the University of Vermont has kept pace with the development of medical knowledge and has increased the scope of its teaching facilities to meet the demands of modern medical education.

Preliminary education required to enter the College of Medicine has been increased from a common school education to two years in college. The course of medical study has been increased from two sessions of fourteen weeks each to four years of thirty-six weeks each.

The College of Medicine has graduated 2,529 physicians who have located in nearly every State in the Union. Over eighty percent of the physicians of Vermont are graduates of the University of Vermont College of Medicine, and a large percentage of the members of each graduating class locate in Vermont.

The College of Medicine of the University receives an annual appropriation from the State, and the State also offers fifty scholarships for young men and women of Vermont.

Like all the best medical colleges in the country the number of students has decreased with the raising of standards of education. Until 1899 the relation of the Medical College to the University was only nominal. At that time the department was taken over by the Board of Trustees and became an integral department of the University under the control of the Board of Trustees. In 1911 there was still further reorganization, when full-time professors were employed to teach the science branches of medicine. This department of the University is thoroughly established and its importance to the State

recognized in the liberal support given it by the General Assembly of Vermont.

PUBLIC HEALTH

The young State of Vermont early took cognizance of the health of its inhabitants. One disease only in the early days was regarded with horror, viz., small pox. In 1784 an act was passed relating to the "Unlimited Spread of the Small Pox." Another act, with the same title, was passed in February, 1787. This latter act made it the duty of the Selectmen to attend to cases of this disease, furnish medical attendance and guard against danger to the uninfected. From this act undoubtedly dates the association of local boards of health with the office of Selectman.

For a hundred years the only local health boards, which the statutes recognized, were Selectmen. Small pox was the chief concern of these boards until about the middle of the Nineteenth century. In February, 1797, a rather elaborate act was passed dealing with this disease. It provided that if any person becomes infected with small pox, it was the duty of the Selectmen, or the major part of them, immediately to provide a place "as remote from inhabitants as can conveniently be had," and remove such person to that place, if it could be safely done. If such removal was considered dangerous, the person was to be quarantined at home and cared for at the expense of the town, provided he was unable to meet the expense himself.

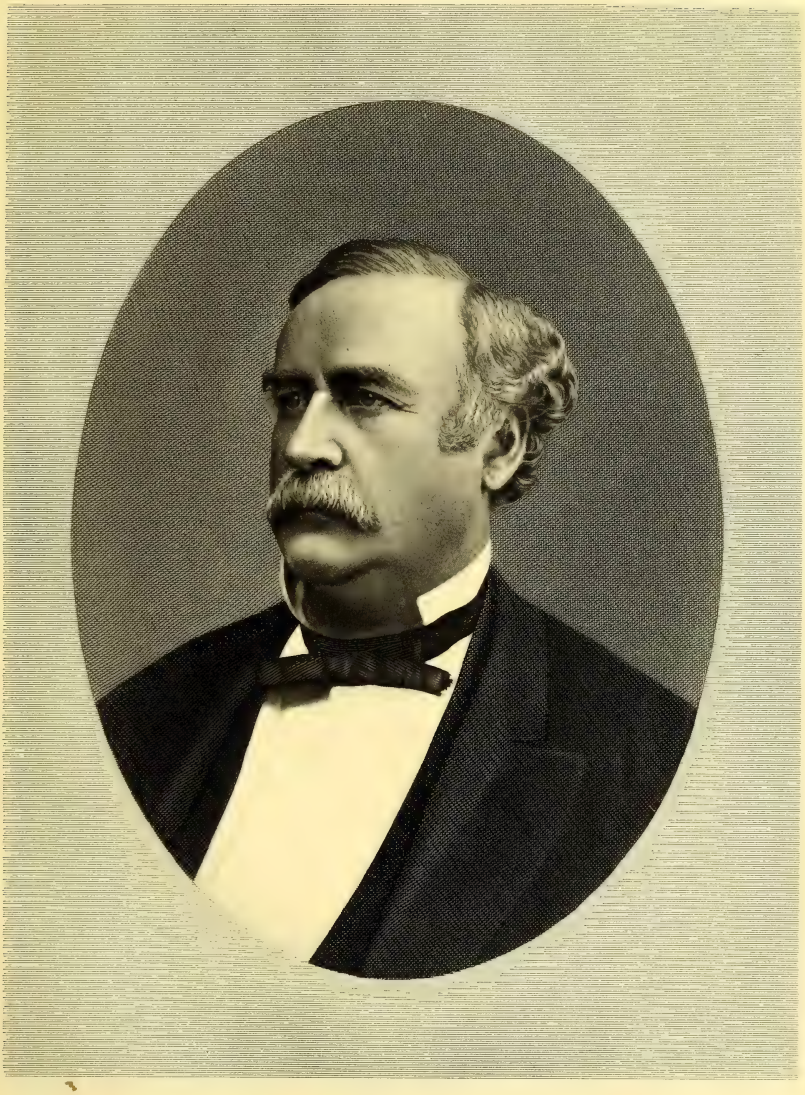
It was also made the duty of the Selectmen to make regulations to prevent the spreading of this infection.

During the Nineteenth century various other duties of a public health nature were imposed upon the Selectmen of towns.

The announcement of Jenner's discovery of vaccination against the small pox during the latter years of the Eighteenth century did away quite largely with the practice of inoculation.

Small pox, however, continued to be the most serious and most dreaded of all infectious diseases. In fact, in pre-bacterial days it was about the only disease that was recognized generally as infectious. The survival of this popular horror of small pox is evidenced in all the public health acts of the State up to the establishment of the State Board of Health in 1886.

During all the years up to this date the Selectmen of the town were recognized as having full local jurisdiction in health matters and the statutes specified somewhat in detail their duties. Thus, in addition to the care of cases of small pox, they were authorized to require "immediate vaccination" in the presence of this disease to prevent its spread. They had authority to control butchering and the care of slaughter houses and they were required to make regulations respecting "nuisances, sources of filth and causes of sickness."



M. GOLDSMITH, M.D.

Natural bodies of water were safeguarded in that there was a prohibition against putting any animal or animal substance upon their banks, or into such bodies of water. In addition to these statutes the State for many years had a food and drug act, which threw certain safeguards around "provisions, whether for meat or for drink." It prohibited the killing or sale for use as family meat of a calf less than four weeks old. It defined the adulteration of food and drink and prescribed a penalty for this offence. The same was true with regard to the adulteration of drugs and medicines. The sale of poisons was restricted and it made the forcible administration of an anesthetic or the commission of any crime on a person under such anesthetic an offence punishable by imprisonment. These laws were not always seriously regarded or strictly enforced.

A law was enacted in 1856, providing for the registration of births, marriages and deaths. This was one of the earliest registration laws in this country and its results are evident in the fairly complete and increasingly valuable vital statistics which this State now has, dating back to the passage of this act. The birth and death returns under this law were collected by the school district clerks and the marriage records were returned by ministers or other persons officiating.

Ten years later the Legislature added a provision to the registration law providing for the tabulation and publication of statistics relating to divorce. This latter act also provided that those statistics should be collected for the five years preceding the date of the act. The Secretary of State under the Vermont registration law was authorized "with such assistance as may be voluntarily rendered by any authorized committee appointed by the Vermont Medical Society for that purpose" to compile and tabulate the vital statistics of the State and report to the Legislature. The first record books and blanks for the carrying out of this law were prepared under the direction of Dr. Hiram F. Stevens of St. Albans and the tables and comments thereon were the work of Dr. Charles L. Allen, then of Middlebury. This law remained substantially the registration law of the State for forty years.

In 1896, State and local boards of health having been legally established, a new registration law was enacted. Briefly, this new law provided for the return of certificates of births and deaths by physicians, midwives and others in attendance and further provided that no dead body could be disposed of except in accordance with a burial permit issued by the health officer. It placed the compilation of the vital statistics of the State in the hands of the Secretary of the State Board of Health.

In 1886, the General Assembly enacted a law establishing a State Board of Health. This law prescribed that the Governor should appoint three persons who should form the board. It further directed that the secretary should be "a reputable practicing physician in this

State," and he, if not a member of the board at the time of his appointment, became one by virtue thereof.

This first act establishing a central health board prescribed that the board "should take cognizance of the life and health among the inhabitants of the State," that it should make investigations respecting diseases and epidemics, causes of death and the effect of employment on health. It was required to "advise with municipal officers with regard to the location, drainage, water supply, heating and ventilation of public buildings and the drainage and sewerage of towns and cities."

The secretary, as executive officer of the board, was to superintend its work. He was required to "respond to the invitations of boards of Selectmen of the several towns, or the Mayor of a city, in case of epidemics of contagious disease or other unusual sickness." He was to render assistance to the Secretary of State in the compilation of vital statistics and he was required to make an annual report to the Governor.

This first board was given authority to "promulgate and enforce such regulations for the better preservation of the public health in contagious and epidemic diseases as they shall judge necessary." This was rather sweeping authority for the times, but it is not known that it was abused.

The compensation of the board was fixed at five dollars per day and actual expenses, but the whole expense to the State, including services and expenses, was not to exceed fifteen hundred dollars a year "except in some extraordinary public peril," when the Governor might order the board to perform services to the State to the amount of twenty-five hundred dollars in all in one year.

The first State Board of Health appointed under this law consisted of Drs. A. H. Chesmore of Huntington, Charles L. Allen of Rutland, and J. H. Hamilton of Richford. These gentlemen met in Burlington December 7, 1886, and organized by electing Doctor Allen president. After some discussion it was decided to elect a secretary from their own number and Doctor Allen resigned as president and was elected secretary, whereupon Doctor Chesmore was chosen president. At this first meeting, the board wisely decided to enter at once upon a campaign of education, "the object being to educate the people and induce them to take an interest in these subjects."

The State Board of Health as originally constituted remained intact until the death of Doctor Allen in 1890. Dr. Charles S. Caverly of Rutland was appointed to succeed Doctor Allen at that time. Doctor Chesmore became the president of the board and Doctor Hamilton succeeded Doctor Allen as secretary and executive officer. The death of Doctor Chesmore in January, 1891, left a vacancy, which was filled by the appointment of Dr. Orlando W. Sherwin of Woodstock. The board, as reorganized at this time, consisted of Dr. Charles S. Caverly

of Rutland, president; Dr. J. H. Hamilton of Richford, secretary, and Dr. O. W. Sherwin of Woodstock.

No material change was made in the public health laws until 1892 when the State Board of Health was given authority to appoint a health officer for each city, town and incorporated village. This law further specified in terms that the health officers, together with the Selectmen of the towns, Aldermen of cities and Trustees or Bailiffs of incorporated villages should be called and act as local boards of health. The law specified the powers and duties of these local boards and of the health officer.

In 1896, Dr.Henry D. Holton of Brattleboro was appointed to the board and the three members of the board, Doctors Caverly, Holton and Sherwin, re-elected Dr. J. H. Hamilton of Richford as secretary. In 1898 a law was enacted establishing and equipping a State Bacteriological Laboratory "for the chemical and bacteriological examination of water supplies, milk and of all food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, malaria and other infectious and contagious diseases." This important legislation was the result of the indefatigable labors of Dr. J. H. Linsley of Burlington, who had given the board the use of his private laboratory for some months as an experiment along the lines on which the laboratory in this act was established. This was one of the first laboratories of its kind to be established in the United States.

It would be hard to overestimate the impetus which this laboratory immediately gave to preventive health work in Vermont. This law also authorized "a school of instruction for health officers of the State at least once a year at such time and place" as the board should direct. This school, which had its first session in 1899, was the first school of its kind held under State auspices and at State expense in the United States. This school was continued until 1918. An amendment to this laboratory act at the next session in 1900 authorized the board to issue a periodical for the purpose of publishing the results of the laboratory work and also the latest methods for the protection of the public health.

Furthermore, the use of the laboratory, its chemist and pathologist, was placed at the disposal of the State's Attorneys "on the order of a Judge of the Supreme Court" for the purpose of making autopsies and pathological and chemical examinations, and testifying, if necessary, in court in criminal cases. This law made the pathologist of the laboratory the medical examiner of the whole State.

This chemical and pathological work of course does not usually belong among the functions of a public health laboratory or a "Laboratory of Hygiene," as the Vermont Laboratory was named in this act of 1900. It has been possible, however, to do the work without materially increasing the laboratory force and with very material advantage to the State. The laboratory quickly became a busy department in the

State government and the number of specimens and objects of all kinds examined steadily increased until one thousand or more were frequently examined in a month.

Doctor Linsley, the first director of the laboratory, was succeeded at his death in 1901 by Dr. M. J. Wiltse, and he in turn in August, 1904, by Dr. Bingham H. Stone. Upon the death of Doctor Stone in 1921, Dr. Charles F. Whitney was appointed his successor.

Dr. Truman R. Stiles of St. Johnsbury had been appointed to the board in 1898. In 1900, on the resignation of Doctor Hamilton as secretary, Dr. H. D. Holton of Brattleboro was elected to that office.

A quarterly bulletin was established to publish the results of laboratory work and to spread the gospel of health among the people.

No further change occurred in the personnel of the board until 1906, when Dr. F. Thomas Kidder of Woodstock replaced Doctor Stiles, whose term had expired. Dr. Henry D. Holton continued as secretary until December 1, 1912, when he resigned. Dr. C. F. Dalton of Burlington was elected in his place. In 1918 Dr. W. T. Slayton of Morrisville was appointed to fill the vacancy caused by the death of Doctor Caverly.

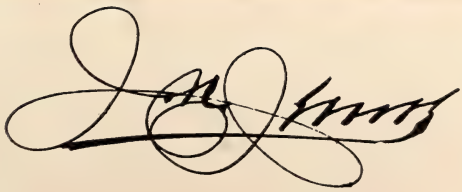
Each succeeding session of the General Assembly adds new duties to the State Board of Health. In 1908, by act of the Legislature, the duties of the State Tuberculosis Commission were placed on the State Board of Health and the board was ordered to make a campaign of education throughout the State. This work has been prosecuted with vigor each year. Exhibits of a popular nature, dealing with the various phases of the tuberculosis problem, have been employed. Lectures illustrated by lantern slides and moving picture films recently have been the main features of this campaign. This work has been carried on in conjunction with clubs and social organizations of all kinds as far as the appropriation for this work would allow.

By an act of 1910, it was made obligatory on any person, association or corporation seeking to establish a tuberculosis hospital or association to obtain permission so to do of the State Board of Health and in 1912 an act was passed allowing the Governor to designate patients for treatment in a sanitarium and pay their bills from the State treasury to the extent of $5,000 annually. This appropriation was increased in 1915 to $10,000, in 1917 to $20,000, in 1919 to $25,000 and in 1921 to $50,000. A resolution also was adopted in February, 1913, by the General Assembly renewing a commission for the purpose of investigating the needs of the State for an institution for the care of advanced cases of tuberculosis.

In 1919 the General Assembly passed an act authorizing the establishment of county hospitals for the care of advanced cases of tuberculosis, and in the same session an act was passed authorizing the

JAMES N. JENNE

Born in Berkshire, Vt., in 1859. He was educated in the public schools and graduated from the College of Medicine of the University of Vermont in 1881. He took post-graduate work in New York and Paris, specializing in internal medicine. He was Surgeon General of the Vermont militia from 1895 to 1898. During the war with Spain he served as Chief Surgeon with the rank of Major, having a very responsible position in the medical and surgical work of the army. He practiced his profession in St. Albans and later in Burlington. He has been president of the Vermont State Medical Society and Surgical Director of the Central Vermont Railway. He was adjunct professor of materia medica and therapeutics in the College of Medicine from 1891 to 1893, professor at the head of the department from 1893 to 1911 and has been professor of clinical medicine and therapeutics since 1911. He is a trustee of the University.



establishment of a State hospital for the same purpose. An appropriation was also made to assist these projects.

During the years 1920-1921 a county hospital was built in Barre for the care of these cases.

Since 1905 tuberculosis has been a reportable disease under the Statutes, the reports going directly to the State Board of Health. In 1904 the statutes provided for the examination by school teachers of the eyes, ears and throats of school children. This act has been enforced by the school authorities of the State in a somewhat perfunctory way.

The sanitary condition of the school houses of the State has been delegated to the State Board of Health and an act of 1910 provides for the medical inspection of public and private schools wherever a town so elects.

An act of 1908 provides for the free distribution by the State board of antitoxin for the treatment and prevention of diphtheria.

By an act of 1910, the State Board of Health was authorized to make rules and regulations for the prevention of blindness due to ophthalmia of the new born. The same act authorized the distribution to physicians of prophylactic outfits against this disease.

In 1912 an act was passed requiring physicians and heads of public institutions of the State to report to the State Board of Health "the name, sex, age, nationality, race, marital state and address" of every charitable patient and every private patient suffering from venereal diseases in any form, except that in the case of private patients, physicians are allowed to report by number rather than name and address. Provision was made by the same act for free diagnostic tests for these diseases and the furnishing of material for the specific treatment of these diseases by the State board at cost.

These laws have been amended from time to time to meet the latest ideas in regard to the control of venereal disease. The State Board of Health is cooperating with the United States Government in this matter and is furnishing free treatment to indigent patients. Clinics for the treatment of venereal disease have been established in many cities.

In 1919 a law was passed dividing the State into ten sanitary districts, each district to have a health officer who should devote all his time to this work. This abolished all local or town health officers. Vermont was the first State to adopt the plan of district health officers, and thus has maintained a leading position in progressive health measures.

From this it will appear that the public health laws, relating especially to the prevention of disease, have multiplied rapidly since the establishment of a State Health Board.

MEDICAL PRACTICE

As has been noted elsewhere, the regulation of entrance to medical practice was one of the functions of the early medical societies, State and county.

Until 1820 these societies prescribed the requirements of medical practice. In November of that year the first specific law dealing with the practice of physic and surgery was enacted. This law provided that no person who was not a "member of some legally constituted medical society, within this State, hath obtained the degree of bachelor, or doctor of physic, in some academy, college or university, within this State, or elsewhere, having authority to confer such degrees, or be licensed to practice in the manner hereinafter provided" could collect his fees legally.

This statute further provided that each of the Judges of the Supreme Court, with the assistance of two or more regular physicians, who were members of a legally constituted medical society could examine and license any "person who is an inhabitant of this State of good moral character to practice physic and surgery."

That this first practice act was regarded as an experiment is evident from the provision it contained that it was only to remain in force until November 1, 1821.

In November, 1821, however, the above act was "revised and continued in force." This remained the law governing the practice of "physic and surgery" until 1838, when the same was repealed.

For the succeeding twenty-eight years, there were no legal restrictions on the practice of medicine in the State. Any person was at liberty to adopt this calling. It was simply a matter of the supply being regulated by the demand. Men of all "pathies" or of no "pathy" could pursue their calling, unhampered by qualifications or regulations, provided only the people would employ them. These were the days of herb doctors, itinerants, doctors of the "old school" and the "new schools" and doctors of no school.

The title of "doctor" meant nothing as to education or fitness to practice. In this chaotic condition of things it is not surprising that the profession lost caste in the eyes of the public. In 1876 an attempt was made by the Legislature to improve the status of the profession. A law was passed in that year which gave legally constituted medical societies authority to license practitioners of medicine, surgery and midwifery through a board of three censors.

This Board of Censors was required to issue certificates without fee to all physicians or surgeons who furnished evidence of having a degree in medicine, or who furnished proof that they had been examined and deemed qualified to practice by an authorized board.

The certificates issued by this Board of Censors were required to be recorded in the clerk's office of the county in which the attending physician resided, although the certificate was valid throughout the State.

Any person who practiced medicine, surgery, or midwifery in the State, or signed a certificate of death without having obtained a certificate, as this law provided, was liable to a fine of at least fifty dollars for the first offense, and, for each subsequent offense, not less than two hundred dollars. No such person could collect his fees legally. The above law had several noteworthy exceptions. Its last section provided that "this chapter shall not apply to the practice of dentistry, nor to the practice of midwifery by women of the town or locality, in which they resided, nor to those practitioners of medicine who had resided and practiced medicine in the State five years previous to November 28, 1876." The practice act of 1876 was little improvement over no law at all, in improving the status of medical practice. Gentlemen of itinerant tendencies, resorting to the well known advertising methods, flourished as before. The acquisition of the license necessary to legalize their operations was easy. Some society usually could be depended upon to grant them the license. This law continued in force with minor changes until 1904, when a more modern act was passed. This act established a Board of Medical Registration, consisting of seven members.

The medical societies of the State have now, as always, a voice in the administration of the laws dealing with the practice of medicine. Applicants for license to practice medicine in the State were required to present a diploma from a medical college recognized by the board and to take such examinations as the board should require in the various departments of medicine, license to practice being issued only to those who passed a satisfactory examination.

This law probably is the most satisfactory practice act the State ever has had. At least it has discouraged the exploits of itinerant charlatans and has done something toward improving the standard of professional fitness. The Vermont law harmonizes quite closely with the practice acts of most of the States in this country at the present time.

More or less closely allied with the public health and practice acts of the State are acts regulating the practice of osteopathy (1904), practice of dentistry (1882), practice of pharmacy (1894), practice of embalming (1902) and the practice of veterinary medicine (1912).

The standardization of medical schools and the unification of the medical curriculum which is now generally adopted by the better medical schools make the medical graduate conform more nearly to a common standard of medical education and minimizes the importance of the work of the State Examining and Licensing Board.

Medical Registration

The National Examining Board has its inception in the Council of Medical Education of the American Medical Association. This board is not authorized by legislative enactment, but the certificates of medical qualification issued to graduates by this board are already accepted by many State examining and licensing boards, and licenses to practice are issued without further examination.

HOSPITALS

Brattleboro Retreat

Mrs. Anna Marsh of Hinsdale, N. H., in her will, dated June 3, 1834, gave $10,000 in trust "for the purpose of erecting and supporting in the County of Windham, near the Connecticut River, a hospital for the relief of insane persons." Samuel Clark, John Holbrook, Epaphroditis Seymour and John C. Holbrook of Brattleboro and their successors were named as trustees of this fund. These trustees were made a self-perpetuating body under this will.

The "Vermont Asylum for Insane" was incorporated by Act of the Legislature, approved November 3, 1834.

This was the fourth institution of its kind in the New England States. Prior to this there were two in Massachusetts and one in Connecticut. There were but ten institutions of the kind in the United States.

Brattleboro was selected as the location of the proposed hospital.

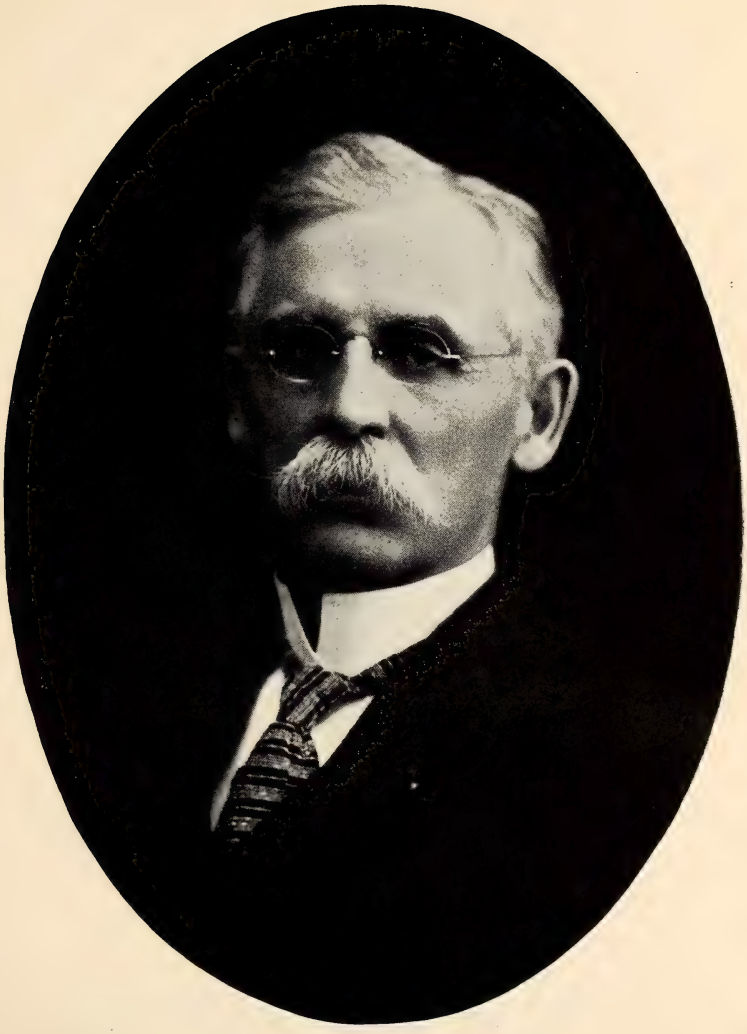
The trustees were immediately confronted with the problem of making $10,000 accomplish the evident intent of the testator. The hopelessness of this soon became apparent and petition was made to the General Assembly, calling attention to the inadequacy of the fund for the building of an institution such as was evidently needed in the State. The Legislature was asked to make an appropriation of $20,000 to assist in this work. The General Assembly responded to this request by making an appropriation of $2,000 annually for five successive years—this not to become available until the buildings were erected and ready to receive patients.

On November 30, 1836, the trustees announced that the institution was ready for the reception of patients, and the first patient was received December 12. The capacity of the hospital at this time was twenty patients.

William H. Rockwell was the first Superintendent and the success in building up this institution was largely due to his intelligent and disinterested exertions. He was succeeded in 1872 by his son, William H. Rockwell, Jr., who held the position for a few months, being suc-

DON D. GROUT

Born at Morrisville, Vt., April 24, 1849; son of Major Luman M. and Philura J. (French) Grout. Educated at People's Academy, Morrisville, Dartmouth College, and graduated in medicine from the University of Vermont in 1872. In 1873 he married Nettie A. Jones of Barre, who died in 1880. They had two children, Inez L. and Luman M.; in 1881 he married Angie Wilkins of Stowe. They had four children, Annie M., Josephine R., Benjamin Harrison, and Angie G. After the death of his second wife he married Ida E. Morse of Waterbury. Two sons were born to them, Don Jackson and Frank Morse. In 1872 he was appointed assistant physician to Kings County Hospital, Brooklyn, N. Y., where he served one year. He began private practice in Wolcott, Vt., where he was superintendent of schools in 1873. He removed to Stowe in 1875, where he was in general practice until he removed to Waterbury in 1890. He was a surgeon of the Central Vermont Railway from 1900 until his death in 1920; was health officer in Waterbury for many years; was U. S. pension surgeon 1903 and 1905; former consulting surgeon Fanny Allen Hospital. He was a Republican, represented Stowe in the Legislature in 1888. He served on the Committee on Insane and had charge of the bill in the House that made the present State Hospital possible. He had charge of its construction. He was chairman of the State Tuberculosis Commission, 1902-05; was delegate to the Pan-American Tuberculosis Congress, Baltimore, 1903. On September 6, 1905, he was appointed superintendent and treasurer of the Vermont State Hospital of the Insane, which position he held until he resigned, January 1, 1917. He died April 19, 1920.



Don D. Grant

ceeded by Dr. Joseph Draper, who continued at the head of the institution for nearly twenty years. Upon the death of Dr. Draper in 1891, Dr. Shaler B. Lawton became Superintendent and continued at the head of the institution until 1922, when he resigned. Dr. H. G. Ripley has been appointed to this position.

The name "Vermont Asylum for the Insane" was changed to that of "Brattleboro Retreat" by Act of the Legislature in 1892. This institution has grown constantly and from time to time has added buildings to meet the increasing demand for the care of its patients. The latest addition to the plant is a large and well appointed gymnasium and recreation building. It has acquired valuable tracts of land amounting in all to over two thousand acres. The total capacity of the institution is four hundred and fifty.

Vermont State Hospital for Insane

As time passed, the Brattleboro Retreat was not able to furnish sufficient room for the unfortunate victims of mental disease in the State and the demand for a State Asylum owned by the State and equipped for the scientific treatment of these unfortunates became Statewide. The matter was brought before the Legislature of 1888 in a bill presented by the late Dr. Don D. Grout. The General Assembly, with the recommendation of the Governor, authorized the purchase of a site and the erection of suitable hospital buildings. An appropriation of $100,000 was made at this time.

After careful consideration of various locations Waterbury was finally selected.

The first Board of Trustees consisted of Dr. W. H. Gidding, Dr. Don D. Grout and H. D. Hobson.

The construction of the hospital buildings was begun at once and buildings adequate for the accommodation of two hundred patients were completed in August, 1891. Doctor Grout was in charge of this construction. Only part of the buildings in the general plan were completed at this time, and in 1896 other buildings of the general plan were completed so that the institution would care for five hundred patients.

Upon the completion of the buildings in 1891, two hundred patients were transported from the Brattleboro Retreat to this institution.

Various appropriations have been made since this for the erection of additional buildings and the purchase of land.

The hospital consists of a large administration building and various wards for male and female patients. There are separate wards for patients who are also afflicted with tuberculosis and criminal cases are in wards by themselves. The institution is admirably planned so that patients of different types can be isolated, giving the best opportunity for the care and treatment of all classes of insane cases.

The first Superintendent of the asylum was Dr. E. W. Sylvester, who was appointed in 1891 and served a little less than one year. He was succeeded by Dr. W. H. Gidding, who served something more than four years. Dr. Frank Page, an alienist of wide experience, succeeded Doctor Gidding and was in charge of the hospital for twenty-two years. In 1899 Dr. Morella Hutchinson was appointed to succeed Doctor Page. Doctor Hutchinson was a man of wide experience in the care of mental cases. He had spent his entire professional life in the care and study of mental diseases and in the administration of hospital work. Under Doctor Hutchinson the medical staff of the hospital was increased and the systematic study of individual cases was emphasized.

In 1905 Doctor Hutchinson resigned and Dr. Don D. Grout became superintendent. Doctor Grout had always been deeply interested in the institution and had kept in close touch with it and its administration since it was built, and he took a great deal of pride in developing the institution. His kindly interest in the patients and his desire to carry out scientific treatment made him an admirable administrator.

On January 1, 1916, Doctor Grout resigned as superintendent and his first assistant, Dr. Watson L. Wasson, was appointed superintendent. Doctor Wasson had been connected with the hospital from the time of his graduation in medicine—first as laboratory assistant and then as pathologist, and was promoted through the different positions as assistant until at the time of Doctor Grout's resignation he was first assistant.

Doctor Wasson was most keenly interested in the development of the hospital as a State center for the care and alleviation of mental disease. Although he was superintendent but a short time (he died of influenza in 1918) he had formulated a general plan for the development of the hospital with reference to its future usefulness as a State institution. His plans were far-reaching. Some of them were already under way when he died. The underlying thought of his work at the hospital had been a deep desire to contribute to the betterment of the social order and especially to aid the development of greater health and consequently greater happiness in Vermont.

Upon the death of Doctor Wasson, Dr. E. H. Stanley, who was first assistant under Doctor Wasson, was appointed superintendent. Doctor Stanley had been in very close touch with Doctor Wasson's plans for the development of the institution, and is actively interested in carrying them out.

Vermont State School for Feeble-Minded Children

The Vermont State School for Feeble-Minded Children was created and established by the Acts of the Legislature of 1912 which provided for the care, training and education of mentally defective

children between the ages of five and twenty-one years. The age limit was raised for the admission of females by the Legislature of 1919, which provided for the admission of this sex between the ages of five and forty-five.

The institution is under the control of the Director of State Institutions.

The property originally known as the Forest Park Farm in the town of Brandon was purchased and the school located at that place. The first pupils were admitted to the institution December 11, 1915.

Prior to this time mentally defective children had been cared for by the State of Vermont in institutions outside the State. All these children were brought to this institution as soon as accommodations were provided for them. Similar children from the State were admitted as fast as room was available.

At the present time (1921) the population consists of 123 pupils, 37 boys and 86 girls. All children are committed to the institution by the Probate Courts. The purpose of the school is essentially educational. All types of mental defectives are received, ranging from the idiot to the high-grade type possessing from 70 percent to 75 percent of intelligence.

The education as conducted by the institution involves training in its broadest sense. To carry out this purpose, the institution has a school department, a manual training department and a large farm upon which the boys are profitably engaged. The laundry, kitchen, sewing-room and dormitory work incidental to institutional life afford a desirable source of training for the older girls.

Vermont Sanatorium

(For Incipient Tuberculosis)

The Vermont Sanatorium, located at Pittsford, was built by the late Senator Redfield Proctor "for the benefit of the people of Vermont." It was opened for the reception of patients December 16, 1907, with accommodations for thirty-two patients. The addition of a shack in 1909, and the rearrangement of two cottages in 1911, have increased the capacity of the institution to forty-four patients.

During the first seven years of its existence, this institution took care of six hundred and sixteen patients.

It has placed within the reach of Vermont patients the only recognized cure for this disease. Patients contribute approximately one-half of the running expenses of the institution. The deficit each year has been met by the members of Senator Proctor's family. The institution now has an endowment fund of $150,000, $100,000 of which was given by Senator Proctor, and the remainder by other members of the family.

Early in 1921 this institution was offered to the State, and the General Assembly, then in session, voted to accept the gift. This gift consisted of the sanatorium site, buildings and equipment, the farm, stock and tools, together with an endowment of $200,000.

Caverly Preventorium

This institution was conceived by Dr. Charles S. Caverly of Rutland, in 1917. In 1918 a house was bought at Essex Center and opened for the care of children from poor families where tuberculosis existed. This institution was continued at Essex Center until 1922, when it was moved to the new buildings at Pittsford which were given to the Tuberculosis Association as a memorial to Doctor Caverly by Hon. Redfield Proctor and his sister, Emily Proctor. This institution has a capacity for thirty-two children.

Daniel Burditt gave quite a tract of land to the Preventorium property so that it now comprises about fifty acres, providing play-grounds, gardens, and pasture for the herd of cows which furnish milk for the children. Miss Frederica Holden has given money to build a schoolhouse for the children.

This institution is a modern and complete home where children can be given the best of care as regards health, and at the same time receive proper education. It has no endowment but is supported by the Vermont Tuberculosis Association. The State pays eight dollars per week for the care of State patients.

Hospitals

Prior to 1876, Vermont had no general hospitals. Such institutions were confined to the larger cities of the country and to centers of medical education.

The Mary Fletcher Hospital was founded at Burlington in 1876 by Miss Mary Fletcher of that city. This was the first general hospital in Vermont. An ideal location for a hospital and a commanding site on the hill in the city of Burlington was secured, and a substantial brick building erected. This hospital, with a capacity of twenty-seven patients, was opened January 22, 1879. Additions to the hospital have been made from time to time until it will now accommodate one hundred and fifty patients in the various departments. The interests of the hospital and the University of Vermont College of Medicine are very much in common. The physicians connected with the medical school give their services to the hospital and the hospital in turn furnishes opportunity for clinical teaching. The aim of each institution is to provide better care for the sick and better training of physicians. In 1896 a Nurses' Home was built which accommodates seventy-five

nurses. In addition to the rooms for the nurses, there is a large assembly hall where the social functions of the nursing staff are held.

"Hotel Dieu of St. Joseph Fanny Allen Hospital," Winooski Park, Winooski, Vt., was established October 15, 1894. It is situated on land which was a part of the tract owned by the Onion River Land Co., of which Gen. Ethan Allen was a member. The present construction is the gift of Mr. and Mrs. Michael Kelley of Colchester. This hospital is under the direction of the Sisters of Charity of the order known as "The Religious Hospitalers of St. Joseph." The hospital receives its name from the daughter of Ethan Allen and Frances Montresor, his wife. The number of patients originally accommodated was thirty. Additions and improvements have been made to the hospital so that the number now accommodated is sixty-five.

The Fanny Allen Hospital has always cooperated with the University of Vermont College of Medicine by making its wards available for clinical teaching.

The St. Albans Hospital was founded in 1888 by the late Chauncey Warner of Cambridge. He also founded at the same time the Warner Home for Children in the same city. The original number of patients accommodated was twenty. This hospital led a desultory existence until 1898. At this time a number of public-spirited citizens of the city, headed by Dr. William Stanford Stevens, became interested in reviving the hospital idea in connection with this institution and placing it upon a substantial basis. A woman superintendent, Miss McLaren, was obtained in Montreal and under her direction a Training School for Nurses was organized and medical and surgical staffs appointed. Since the resuscitation of the hospital in 1898, it has gradually grown in efficiency and usefulness.

The St. Johnsbury Hospital is owned by the Roman Catholic Diocese of Burlington and is incorporated under the laws of the State. The building, of brick, was built in 1895 by the Rev. J. A. Boissonault out of his personal funds, but for the Diocese. The hospital has twenty-one beds, arranged in rooms containing one, two and three beds each. It is non-sectarian, only about half of the patients being Catholics. It maintains a visiting house system by which sick calls are answered about the town among the deserving poor. The hospital is well equipped with operating and sterilizing rooms and is centrally located. The hospital is under the immediate supervision of a Sisterhood in the church.

The Rutland Hospital is the result of an agitation started in May, 1891, by a group of public-spirited citizens, styling themselves a "Voluntary Committee." This agitation, fostered by the discussions held by this committee at various meetings during the years 1891 and 1892, resulted in an Act of Corporation for the hospital, approved November 21, 1892. While these plans were under discussion and before any

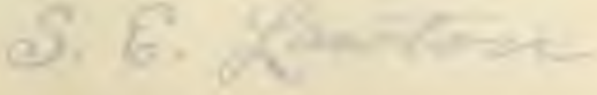
active building operations were begun, the Charles H. Sheldon homestead on Nichols Street was offered to the corporation at a figure that seemed practicable. This property was purchased and the hospital, with accommodations for twelve patients, was opened on September 1, 1896. An addition, furnishing nineteen private rooms, a maternity ward, and a children's ward, besides general wards for male and female patients, was opened September 23, 1909. Through the generosity of Nahum P. Kingsley, a new wing, containing modern operating rooms, a large male ward and dormitory room for nurses was constructed. This wing was opened for use in April, 1912. A modern X-ray apparatus was installed in 1913 through the generosity of a large number of contributors. Other generous benefactions have come to the hospital in recent years, so that it is enabled to meet the increasing expenses attending the widening scope of its work. A Training School for Nurses has been maintained in connection with the hospital since 1897. The hospital has in all departments fifty-five beds.

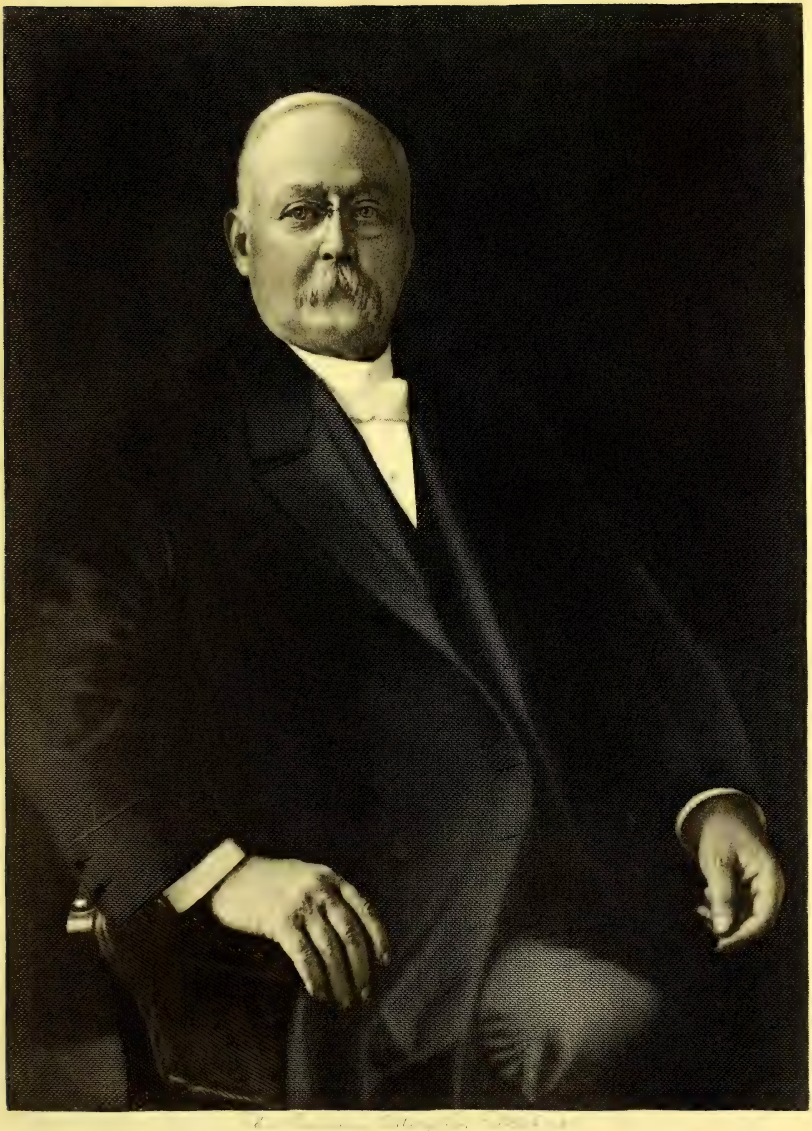
The Proctor Hospital primarily is an institution for the care of the sick and injured among the employees of the Vermont Marble Company and the families of these employees. The hospital grew out of the employment of trained nurses at Proctor and West Rutland, who attended the sick and injured among the employees from 1895. Fletcher D. Proctor, president of the company, was chiefly instrumental in starting and carrying on this work. The first hospital was opened August 6, 1896, in a dwelling house that had been refitted for the purpose. It accommodated ten patients. The result of this experiment was so satisfactory that the Vermont Marble Company built and equipped a small modern hospital, which was opened for patients April 1, 1904. With the recent addition of a maternity ward, the hospital now has accommodations for thirty patients. Though specially intended for the employees of the company, to whom special rates are made, the Proctor Hospital is open to the general public.

The Heaton Hospital at Montpelier was founded and built by the late Homer W. Heaton, for many years an attorney-at-law in that city. Mr. Heaton's benefaction seems to have been the fulfillment of a life-long desire to place hospital facilities within his home city. In April, 1895, Mr. Heaton bought ten acres of land on which the hospital was built, two more acres of land being purchased in December, 1896. In 1909, E. W. Bailey of Chicago and L. D. Taft of Montpelier, partners, gave the hospital a maternity ward, which was partially endowed later by L. D. Taft. Another timely benefaction which came to this institution in its darkest days was $10,000 from the Hon. Ira Calef of Washington, Vt. Mr. Heaton's original gift to the hospital was approximately $35,000 and the aggregate donations of E. W.

DR. SHAILER E. LAWTON

Born in Goshen, Conn., October 3, 1853. He studied two years in the College of Physicians and Surgeons in New York City, then entered the College of Medicine of the University of Vermont and graduated in 1881. During vacations he made a close study of mental diseases at the Hartford (Conn.) Retreat. After graduation in 1881 he became assistant physician at the Brattleboro Retreat during the temporary absence of Dr. Joseph Draper in Europe. He was appointed second assistant physician that fall and in the following winter became first assistant physician. He was given leave of absence in 1889 to study in neurological and psychological medicine. He returned to the Retreat in 1891 and on March 19, 1892, following the death of Doctor Draper, he was appointed acting superintendent and on April 20, 1892, was elected superintendent, serving until July, 1922, when he resigned on account of ill health. Doctor Lawton is a member of many important medical and allied associations, a director of the Vermont National Bank, and the Brattleboro Memorial Hospital, a trustee of Brooks Library and president of All Souls' Church. He resides in Brattleboro. He married Mary L. Upton of Roxbury, Mass., June 1, 1893. They have two children, Dr. Shailer U. Lawton of New York City and Mrs. Appleton Miles of Brattleboro.





S. E. Lawton.

Bailey and Mr. and Mrs. L. D. Taft were fully $20,000. The hospital is incorporated. It has a Nurses' Training School connected with it.

Brightlook Hospital in St. Johnsbury was established in January, 1899. The movement for the establishment of the hospital was initiated by a large group of prominent citizens, including both laymen and physicians, who believed that a hospital was needed in that locality. The hospital was opened for the reception of patients early in the same year (1899). Like so many of our Vermont hospitals, Brightlook had a hard struggle to live. Finally, in January, 1905, a citizens' conference was held in regard to the hospital and this meeting marked a turn in the tide of affairs: a determined effort soon crystallized not only to sustain the hospital, but to build a new and better plant. A gift of $5,000, on condition that $10,000 more be raised, was made by Mrs. Rebecca Fairbanks. Not only was this accomplished, but the efforts of these friends for a hospital met with sufficient success so that November 26, 1906, it was voted to erect a new hospital building. The new building was dedicated March 14, 1908. The number of patients originally accommodated in the old hospital was eleven. The new hospital has accommodations for thirty-five patients.

The Brattleboro Memorial Hospital was established from a fund of more than one million dollars left in trust by Thomas Thompson for the relief of poor seamstresses and needlewomen and shop girls of Brattleboro, Vt., and Rhinebeck, N. Y.

This hospital was completed, at a cost of a little over $100,000, in 1904. It will accommodate twenty-six patients.

The Barre City Hospital was incorporated under the general laws April 7, 1904. It was opened for patients July 11, 1907. The hospital was made possible by the raising of $10,000 on a note, signed by thirty-four men. The original hospital building was put into shape for hospital purposes through generous contributions of public-spirited citizens. The number of patients originally accommodated was thirteen. Later the building was arranged so that it would take care of eighteen and at times has had as large a number as twenty-six patients. A new hospital building was made possible through the generosity of Ira C. Calef of Washington, Vt., who early in 1914 offered to give the hospital $10,000, provided $30,000 additional was raised. Not only was this condition met, but before April 1, 1914, the hospital had $40,000 subscribed and Mr. Calef announced that he would give an additional $10,000 toward an endowment fund. Many individuals and business firms in Barre contributed liberally to this fund. The building is two stories high with basement and a roof ward. It is of brick, tile and terra cotta, steel and concrete with terrazzo floors. It is of the most recent fire proof construction. It will accommodate forty

patients. A Training School for Nurses is connected with the hospital.

The Rockingham Hospital Association was incorporated November 16, 1910, by twenty or more public-spirited citizens of Bellows Falls, who recognized the need of hospital facilities in that locality. A dwelling house was rented and used from June 21, 1912, for hospital purposes. The association has purchased the E. C. Fairbanks residence. This house was changed to meet the requirements of a modern hospital.

The Springfield hospital was established in March, 1914. It was the result of a movement started among the townspeople of Springfield who have contributed liberally to its support. The town of Springfield has also contributed to its support. The hospital is located in a private house and was opened for patients March 16, 1914. It has twelve beds.

The Putnam Memorial Hospital at Bennington was made possible by the generosity of the late Henry W. Putnam, who provided for the erection of a hospital in Bennington for the care of the people of Bennington and vicinity. Later his son, Henry W. Putnam, contributed generously towards the equipment of the hospital. He also has provided funds for the building of a nurses' home.

This is a modern hospital with modern equipment.

There are many private hospitals and sanatoria in the State which are doing splendid work not only in general hospital service, but also in special lines of institutional care.

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